

ZONING

RESOLUTION

OF

PENFIELD

TOWNSHIP

Amended December 16, 2021

Index

Article 1	Enacting Clause	
Article 1.1	CONTINUATION OF EXISTING REGULATIONS	
Article 2	PURPOSE	
Article 3	DISTRICTS	
Article 4	GENERAL REGULATIONS	4-1
Article 4.1	INTENT	4-2
Article 4.2	JUNK YARDS	4-2
Article 4.3	NON-CONFORMING USES	4-2
Article 4.4	CORNER LOTS	4-3
Article 4.5	REAR YARDS	4-3
Article 4.6	MINIMUM SIZE OF DWELLING	4-3
Article 4.7	PARKING FACILITIES	4-3
Article 4.8	STATE CHARTERED CLUB	4-4
Article 4.9	DRIVEWAYS	4-4
Article 4.10	REQUIREMENTS FOR OBTAINING A ZONING PERMIT	4-5
Article 4.11	EXPIRATION OF ZONING PERMIT	4-6
Article 4.12	SWIMMING POOLS	4-6
Article 4.13	FENCES, HEDGES, AND WALLS	4-7
Article 4.14	SOLAR ENERGY (Effective 10/09)	4-8
Article 4.15	GEOTHERMAL (Effective 10/09)	4-8
Article 4.16	SHOOTING RANGES (Effective 31MAY2018)	4-9
Article 4.17	MEDICAL MARIJUANA	4-9
Article 5	LIST OF DEFINITIONS	5-1
Article 6	AGRICULTURE	6-1
Article 6.1	AGRICULTURE	6-1
Article 6.2	DOG/CAT KENNELS	6-1
Article 7	RESIDENTIAL DISTRICT	7-1
Article 7.1	PERMITTED USES	7-2
Article 7.2	CONDITIONALLY PERMITTED USES	7-3

Article 7.3	MINIMUM LOT PER FAMILY	7-8
Article 7.4	MINIMUM LOT WIDTH	7-9
Article 7.5	SETBACK BUILDING LINES	7-9
Article 7.6	SIDE YARDS	7-9
Article 7.7	DRIVEWAYS/ACCESS ROADS	7-9
Article 7.8	ACCESSORY STORAGE STRUCTURES	7-9
Article 7.9	ALTERATION TO HOMES	7-10
Article 7.10	CERTIFICATE OF OCCUPANCY	7-10
Article 7.11	TEMPORARY CERTIFICATE OF OCCUPANCY	7-10
Article 7.12	RECORD OF CERTIFICATE OF OCCUPANCY	7-10
Article 7.13	HISTORICAL BUILDING LOT SIZES	7-11
Article 8	COMMERCIAL DISTRICT	8-1
Article 8.1	PURPOSE	8-2
Article 8.2	PERMITTED USES	8-2
Article 8.3	REQUIRED LOT AREA	8-3
Article 8.4	SETBACK BUILDING LINES	8-3
Article 8.5	COMMERCIAL DISTRICT OFF-STREET PARKING & LOADING FACILITIES	8-3
Article 8.6	GENERAL INTERPRETATIONS	8-10
Article 8.7	PLOT PLAN REVIEW	8-10
Article 8.8	ADJACENT ZONES	8-10
Article 8.9	ADULT USE/SEXUALLY ORIENTED BUSINESSES (Revised May 2004)	8-10
Article 9	INDUSTRIAL PARK DISTRICT	9-1
Article 9.1	INTENT	9-2
Article 9.2	PERMITTED USES	9-2
Article 9.3	SPECIAL PERMITTED USES	9-3
Article 9.4	BUILDING HEIGHT	9-3
Article 9.5	MINIMUM LOT AREA AND LOT WIDTH	9-3
Article 9.6	SIDE AND REAR YARDS	9-4
Article 9.7	PERCENTAGE OF LOT COVERAGE	9-4
Article 9.8	OFF-STREET PARKING, LOADING AND STORAGE	9-4
Article 9.9	YARDS REQUIRED	9-5
Article 9.10	SIGNS	9-6

Article 9.11	ZONING CERTIFICATE.....	9-6
Article 9.12	STREETS, SEWERS AND WATER LINES.....	9-7
Article 10	SIGNS.....	10-1
Article 10.1	INTENT	10-2
Article 10.2	GENERAL SIGN REQUIREMENTS FOR ALL DISTRICTS.....	10-2
Article 11	FLOOD PLAIN DISTRICT	11-1
Article 11.1	INTENT	11-2
Article 11.2	DISTRICT DELINEATION CRITERIA.....	11-2
Article 11.3	PERMITTED USES.....	11-2
Article 11.4	CONDITIONALLY PERMITTED USES.....	11-2
Article 11.5	REQUIREMENTS AND REGULATIONS.....	11-3
Article 11.6	SUBMISSION OF PLANS FOR CONDITIONAL USES.....	11-4
Article 11.7	DATA SUBMISSION.....	11-4
Article 11.8	TOWNSHIP LIABILITY.....	11-4
Article 12	MOTORIST SERVICE DISTRICT.....	12-1
Article 12.1	INTENT	12-2
Article 12.2	PERMITTED USES.....	12-2
Article 12.3	HEIGHT REGULATIONS.....	12-3
Article 12.4	AREA REGULATIONS.....	12-3
Article 12.5	YARD REGULATIONS.....	12-4
Article 12.6	OFF-STREET PARKING AND LOADING.....	12-5
Article 12.7	ACCESS DRIVES.....	12-6
Article 12.8	SIGNS.....	12-6
Article 12.9	DEVELOPMENT PLANS.....	12-8
Article 12.10	VARIANCE.....	12-8
Article 13	ZONING ADMINISTRATION/ENFORCEMENT.....	13-1
Article 13.1	ZONING ADMINISTRATIVE OFFICER.....	13-2
Article 13.2	BUILDING PERMITS.....	13-2
Article 14	ZONING COMMISSION AND BOARD OF APPEALS.....	14-1
Article 14.1	MEMBERSHIP	14-2
Article 14.2	POWERS AND DUTIES.....	14-2

Article 14.3	GUIDELINES.....	14-3
Article 14.4	CONDITIONS FOR GRANTING VARIANCES.....	14-3
Article 14.5	APPEALS.....	14-5
Article 15	AMENDMENTS.....	15-1
Article 16	PENALTY FOR VIOLATION.....	16-1
Article 16.1	PENALTY FOR VIOLATION.....	16-2
Article 16.2	CIVIL ACTION.....	16-2
Article 17	MISCELLANEOUS PROVISIONS.....	17-1
Article 17.1	INTERPRETATION.....	17-2
Article 17.2	VALIDITY.....	17-3
Article 17.3	EFFECTIVE DATE.....	17-3
Article 17.4	PONDS.....	17-3
Article 17.5	REMOVED (Effective 16DEC2021)	
Article 17.6	SATELLITE DISHES.....	17-4
Article 17.7	MEETINGS.....	17-6
Article 17.8	PRIVATE BRIDGES.....	17-6
Article 18	APPLICATION FOR ZONING PERMIT.....	18-1
Article 19	DUTIES OF THE ZONING INSPECTOR.....	19-1
Article 20	WIND TURBINE ENERGY SYSTEMS FOR GENERATING ELECTRICITY.....	20-1

Article 1 Enacting Clause

A resolution providing for the zoning of the unincorporated area of Penfield Township by regulation of the location, size and use of buildings and structures, the area and dimensions of lots and yards and the use of lands and for such purposes dividing the unincorporated area of the township into zones or districts of such numbers, sizes and shape as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this resolution.

Article 1.1 CONTINUATION OF EXISTING REGULATIONS

The provisions of this Resolution, insofar as they are substantially the same as in the existing Resolution relating to the same subject matter, shall be construed as restatements and continuations and not new enactments. The reenactment of these provisions shall not constitute validation of any use not conforming to the district in which it is located. (Effective 1/7/14)

Article 2 PURPOSE

It is hereby determined that these regulations serve the township in the interest of the public health and safety. (Effective 4/18/06)

It is further determined that these regulations also serve the township in the interest of convenience, comfort, prosperity, and general welfare. (Effective 4/18/06)

To conserve and protect property and property values.

To secure the most appropriate use of land and to facilitate economical provision of public improvement, all in accordance with a comprehensive plan. The Board of Trustees of the Township finds it necessary and advisable to regulate the location, bulk and size of buildings, and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches, and the uses of land for trade, industry, residence, recreation or other purposes and for such purposes divide the unincorporated area of the township into districts or zones.

Article 3 DISTRICTS

For the purpose of carrying out the provisions of this resolution, the unincorporated area of the township is hereby divided into districts: Residential, flood plain, commercial, or industrial, which shall include all land in unincorporated area of the township.

Article 4 **GENERAL REGULATIONS**

Article 4.1	INTENT	4-2
Article 4.2	JUNK YARDS	4-2
Article 4.3	NON-CONFORMING USES	4-2
Article 4.4	CORNER LOTS	4-3
Article 4.5	REAR YARDS	4-3
Article 4.6	MINIMUM SIZE OF DWELLING	4-3
Article 4.7	PARKING FACILITIES	4-3
Article 4.8	STATE CHARTERED CLUBS	4-4
Article 4.9	DRIVEWAYS	4-4
Article 4.10	REQUIREMENTS FOR OBTAINING A ZONING PERMIT	4-5
Article 4.11	EXPIRATION OF ZONING PERMIT	4-6
Article 4.12	SWIMMING POOLS	4-6
Article 4.13	FENCES, HEDGES, AND WALLS	4-7
Article 4.14	SOLAR ENERGY (Effective 10/09)	4-8
Article 4.15	GEOHERMAL (Effective 10/09)	4-8
Article 4.16	SHOOTING RANGES (Effective 31MAY2018)	4-9

Article 4.1 INTENT

Except as hereinafter provided, it shall be unlawful to locate, erect, construct, enlarge or structurally alter any building except in conformity with the regulations of the district in which such building is located.

Except as hereinafter provided, it shall be unlawful to use any land or buildings for the purpose other than is permitted in the district in which such land or buildings is located.

No open space provided about any building for the purpose of complying with the provisions of the resolution shall be considered as providing open space for any other building.

No parcel of land, held under one ownership, with or without buildings, at the time this resolution becomes effective, shall be so reduced nor shall any such parcel be subdivided, in any manner below the minimum lot width and lot area required by this resolution.

In no case shall there be more than one (1) residential building on one (1) lot.

It shall be unlawful to use any land in any district providing such use is noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame or vibration.

Where lots have a double frontage, the required front yard shall be provided on both streets. (Effective 5/16/06)

Article 4.2 JUNK YARDS

Automobile junk yards, automobile grave yards, or junk yards are not permitted in any district in Penfield Township. (Effective 1/5/95)

Two or more un-garaged motor vehicles that are not currently licensed or that are unfit to operate on the highways, in the manner prescribed or permitted by the State of Ohio Motor Vehicle Code, shall constitute an automobile junk yard. A tarp over a motor vehicle does not constitute garaged. (Effective 2/3/94)

Article 4.3 NON-CONFORMING USES

A non-conforming use existing at the effective date of the adoption, or subsequent amendment of this resolution, may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district. All non-conforming uses must be declared in writing within 60 days after this Resolution is passed. (Effective 5/2/06)

Any building or structure, existing as a non-conforming use at the effective date of the adoption, or subsequent amendment of this resolution, which is destroyed by fire or act of God, may be rebuilt for the same use within one (1) year, otherwise said building or structure must be of conforming use. (Effective 5/2/06)

A building or structure devoted to a non-conforming use and occupied at the effective date of the adoption, or subsequent amendment of this resolution, may not be altered or enlarged so as to extend said non-conforming use. (Effective 5/2/06)

Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

Any building arranged, intended or designed for non-conforming use, the construction of which has been started at the time of passage of this Resolution, or amendments thereto, but not completed, may be continued and put to such non-conforming use, providing it is done within one (1) year after this Resolution or its amendments take effect.

Article 4.4 CORNER LOTS

Where lots have a double frontage, the required front yard shall be provided on both streets. (Effective 5/16/06)

Article 4.5 REAR YARDS

For every dwelling erected in any district, there shall be a minimum lot clearance at the rear of said building of at least fifteen (15) feet, which shall remain open and unoccupied by any building.

Article 4.6 MINIMUM SIZE OF DWELLING

Every dwelling shall have an enclosed, livable floor area per family of not less than twelve-hundred (1,200) square feet per family unit for one (1) story homes, and not less than nine-hundred (900) square feet per family unit on ground floor for a house of more than one story, exclusive of basements, porches, garages, breezeways or terraces.

Article 4.7 PARKING FACILITIES

All dwellings and apartment houses shall provide parking space off the road or street and outside of the public right-of way, together with means of ingress and egress thereto, for not less than two (2) motor vehicles per dwelling unit.

Not less than two hundred (200) square feet of area shall be provided for each vehicle.

Article 4.8 STATE CHARTERED CLUBS

State chartered Conservation Clubs and Boy and Girl Scout Camps are permitted subject to conditional zoning certificates issued by the Board of Appeals, provided:

- A. That is the activities of said conservation clubs involve property other than that owned or leased by the Club, the Club shall annually get a written permit in triplicate from the owner or resident of the property involved.
- B. One copy of said permit shall be retained by the grantor, one by the Club secretary, and one copy filed with the Township Zoning Inspector by January 31st of each year.
- C. All clubhouse facilities or other structures shall be located no closer to the road right-of-way than three hundred (300) feet.
- D. All clubhouse facilities or other structures shall be located no closer to the side or rear lot line of any abutting residential property than three hundred (300) feet.
- E. Any use of firearms, bows and arrows or weapons on the premises shall be conducted in accordance with the State Charter of said Conservation Club and meet with the approval of the Township Zoning Board and other State and local rules and regulations regulating safety and proper use of said equipment. In no case shall the use of such firearms, bows and arrows or other weapons be so conducted as to be detrimental to or infringe upon the abutting properties in any manner or the hunting and fishing laws of the State of Ohio.
- F. No clubhouse or other structure shall be erected on a lot of less than ten (10) acres.
- G. Plans of all camps, camping facilities and clubs and additions thereto shall be submitted to and approved by the Board of Zoning Appeals and the Lorain County Board of Health before the zoning certificates may be issued.
- H. No intoxicating beverages may be sold on the premises. Soft drinks and sale of equipment used in club activities shall be permitted.
- I. Such other conditions as the Board may deem necessary.

Article 4.9 DRIVEWAYS

- A. No driveway or access Road shall be constructed less than five (5) feet from the side lot line in all districts. (Effective 2/3/94)

- B. A driveway shall be a minimum of ten (10) feet in width for its entire length from the roadway to the dwelling unit or the garage, whichever is furthest from the road. There shall be a minimum of twelve inches (12") by twenty - four foot (24') culvert, made of any material acceptable to the Lorain County Engineers, at the entry to the driveway. (Effective 4/8/94)
- C. Adequate space shall be maintained for the turning around of emergency vehicles if the driveway has curves or extends more than one hundred fifty foot (150') from the edge of the road.
- D. The driveway shall be constructed to a minimum depth of eight inches (8") and shall be constructed of six inches (6") of #2 gravel and two inches (2") of #411 or #305 gravel or other materials and depth so as to have the same weight bearing capabilities. The largest fire vehicle weight is sixty thousand pounds (60,000#).
- E. Fences, walls, gates and other improvements shall be placed no closer to either outer edge of the driveway than three feet (3') horizontally or lower than twelve feet (12') vertically.
- F. Plantings and/or natural vegetative growth shall be maintained by occupant or owner so as to be no closer to either outer edge of the driveway than tree feet (3') horizontally or lower than twelve feet (12') vertically. (Effective 7/4/96)

Privacy Fencing: No privacy fencing; natural or manmade (fencing that cannot be seen through) higher than 3' shall be erected within 25' of the road right of way. (Effective 10/01/01)

Article 4.10 REQUIREMENTS FOR OBTAINING A ZONING PERMIT

Requirements for obtaining a zoning permit in all districts, where applicable.

1. Copy of recorded deed. (required for new house)
2. Yellow copy of health permit. (required for new house)
3. Construction Drawings (floor plans) for new houses (where applicable).
4. A completed detailed plot plan depicting the structure or pond to be built, its measurements and the measurements to the four property lines. Plan to include existing structures, if any, and layout of septic systems and geothermal lines. (Effective 10/09)

5. Copy of approved State, County, or Township Driveway-permit, where applicable.
6. An approval letter from The Lorain County Soil & Water Conservation District for an Erosion and Sediment Control Plan (ESC) for soil disturbing projects of one (1) acre or more. (Effective 10/09)
7. Required fee, as set by Township Trustees.
8. Only property owners can be issued a permit for a new home.

Post evidence of a zoning permit at road setback. (Effective 5/16/06)

Article 4.11 EXPIRATION OF ZONING PERMIT

If the work described in any Zoning permit has not begun within one (1) year of the issuance date thereof, said permit shall expire; it shall be revoked by the Zoning Inspector and written notice shall be given to the person affected. If the work described in the Zoning permit has not been substantially completed within one (1) year of the date of the issuance thereof, the permit may be extended for a six (6) month period at the discretion of the Zoning Inspector. At the end of the original six (6) month extension a fee shall be levied for each 30-day period thereafter. Amount of said fee shall be determined by the township trustees. (Effective 7/21/92)

Article 4.12 SWIMMING POOLS

- A.** Permit Required – No person, firm or corporation shall construct or install a swimming pool or make alteration therein or in appurtenances thereof without having first submitted an application and plans therefore to the zoning inspector and received approval for any below ground or above ground pool containing a water depth capacity of two (2) feet or greater, and being twelve (12) feet or more in width, length or diameter.
- B.** Exclusive Private Use – the pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
- C.** Distance Requirements – The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than fifteen (15) feet to any property line.
- D.** Drainage – Adequate provision for drainage shall be made.
- E.** Lighting – Any lighting used to illuminate the pool area shall be so arranged as to deflect light away from the adjacent properties.

Safety and Security – In-ground pools must be completely enclosed by a fence not less than 48” or more than 72” high, with openings no larger than 4”, and single walk gates must have self-closing, self-latching devices, that can be locked when not in use. Double drive (DD) gates will be kept locked when not in use. Fences are to be constructed so as to prevent uncontrolled access by children from the street or from adjacent properties. Above ground pools shall have removable or lockable ladders or steps, or shall be fenced as required above. (Effective 5/16/06)

Article 4.13 **FENCES, HEDGES, AND WALLS**

- A. Definition – A structure or continuous barrier erected around or by the side of any open space to provide **privacy, identify property boundaries, facilitate recreational needs or protect habitat**. Fences may be solid or open and may be constructed of masonry, metal, wood, polyvinyl, aluminum or any other material that is securely fastened to the ground, wood deck, retaining wall or concrete floor. Natural plant material, which has been planted to form a continuous barrier to prevent passage or for protection, shall be considered a fence for the purpose of this resolution.
- B. Permit Required - No person, firm or corporation shall construct or install a fence or make alteration therein or in appurtenances thereof without having first submitted an application and plans therefore to the zoning inspector and received approval for such.
- C. Location – Fences at the perimeter of properties shall be so located so that it can be installed and maintained without intrusion onto adjacent properties. The owner of the property upon which the fence is constructed shall be responsible for all of the maintenance. Fences, walls, gates and other improvements shall be placed no closer to either outer edge of the driveway than three feet (3') horizontally or lower than twelve feet (12') vertically. Plantings and/or natural vegetative growth shall be maintained by the occupant or owner so as to be no closer to either outer edge of the driveway than three feet (3') horizontally or lower than twelve feet (12') vertically. (Effective 7/4/96)
- D. Height Restrictions – Fences may be 48” to 72” high except as noted below.
- E. Privacy Fencing: No privacy fencing; natural or manmade (fencing that cannot be seen through) higher than 3’ shall be erected within 25’ of the road right of way. (Effective 10/01/01)
- F. Fences placed around public buildings, parks and playgrounds shall be exempt from the above fence height restrictions, except that, where chain link fence is used, the upper remaining link shall be made smooth so as not to cause injury.

G. Finished side of the fence (good side) must face out to neighbors property
(Effective 5/16/06)

Article 4.14 SOLAR ENERGY (Effective 10/09)

Technologies employing Photovoltaic cells, concentrating solar power devices, and low temperature solar collectors are permitted in all districts with proper permitting. These technologies may be installed on existing or new structures not to exceed a total height of thirty five (35) feet. (Effective 10/09)

Ground mounted devices may not exceed eight (8) feet in height.

All technologies must maintain the following setbacks:

- A. Front Yard – 70 feet from road right-of-way.
- B. Side Yard – 15 feet from property line.
- C. Rear yard – 15 feet from property line.

Article 4.15 GEOTHERMAL (Effective 10/09)

Closed Loop Geothermal Technologies are permitted in all districts with proper permitting. Open Loop Geothermal Technologies are not permitted in any district. The following will govern loop installations:

- A. All loops must be installed on the lot of land upon which the main structure is located.
- B. A diagram of location of all loop construction must be provided on the site layout and attached to the permit application.
- C. Loops must contain an environmentally friendly anti-freeze and water solution.
- D. All loops must maintain the following setbacks:
 - 1. Front Yard – 70 feet from road right-of-way.
 - 2. Side yard – 15 feet from property line.
 - 3. Rear yard – 15 feet from property line.
 - 4. 15 feet on either side of any water line and/or septic system.
- E. Loops may not be connected to any well water supply or home water supply.

- F. Horizontal loops must have a minimum of a one (1) acre lot and must be installed at least five (5) feet deep.

Vertical loops must be have a minimum of one half (1/2) acre lot and must be installed by a certified well driller.

Article 4.16 SHOOTING RANGES (Effective 31MAY2018)

Shooting range facilities operated for the purpose of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit, should be designed according to and used in a safe manner per Chapter 1533 of the Ohio Revised Code.

Article 4.17 MEDICAL MARIJUANA

Cultivators of medical marijuana licensed pursuant to Section 3796.09 of the Revised Code and activities permitted to a licensee under Section 3796.18 of the Revised Code, or any other manner of cultivation of medical marijuana authorized by Chapter 3796 of the Revised Code, is hereby prohibited within the unincorporated area of Penfield Township.

Processors of medical marijuana licensed pursuant to Section 3796.09 and activities permitted to a licensee under Section 3796.19 of the Revised Code, or any other manner of processing of medical marijuana authorized by Chapter 3796 of the Revised Code, is hereby prohibited within the unincorporated areas of Penfield Township

Retail dispensaries of medical marijuana licensed pursuant to Section 3769.10 of the Revised Code and activities permitted to a licensee under Section 3706.20 of the Revised Code, or any other manner of retail dispensing of medical marijuana authorized by Chapter 3796 of the Revised Code, is hereby prohibited within the unincorporated territory of Penfield Township.

This article does not limit or prohibit research related to marijuana conducted at any state university, academic medical center, or private research and development organization as part of research protocol approved by an institutional review board or equivalent entity.

Article 5 LIST OF DEFINITIONS

ACCESSORY USE:

An accessory use is subordinate building or use customarily incidental to and located upon the same lot occupied by the main building or use.

ADMINISTRATIVE OFFICER:

The administrative officer shall be the Building Inspector of Penfield Township who shall enforce the provisions of this Ordinance.

AGRICULTURE:

The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, forestry, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the principal use of the land.

ALTERATIONS:

As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on side or by increasing in height, or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL:

Any change in the supporting members of a building, such as bearing walls, columns, or girders.

AREA, BUILDING:

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered terraces and steps.

AUTOMOBILE GRAVEYARD:

Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

BASEMENT:

A story partly underground but having at least one-half of its height below the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or is used for business or dwelling purposes.

BOARD OF APPEALS:

The Penfield Township Board of Zoning Appeals (BZA).

BUILDING:

Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY:

A supplemental building; the use of which is incidental to that of a main or principal building and located on the same lot therewith.

BUILDING, FRONT LINE OF:

The line of that face of the building nearest the front line of the lot. This face includes sun parlors and porches whether enclosed or open but does not include steps.

BUILDING, PRINCIPAL:

The building on a lot used to accommodate the primary use to which the premises are devoted.

CAMP:

Any one or more of the following, other than a hospital, place of detention, or school offering general instruction.

Type 1 - Any area of land or water on which are located two or more cabins, tents, trailers, shelters, houseboats, or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

Or

Type 2 - Any land, including any building thereon, used for any assembly or persons for what is commonly known as "day camp" purposes; and any of the foregoing

establishments conducted for profit, whether or not occupied by adults or by children, either as individuals, families or groups.

CHILD CARE:

Any type “B” family day care home, whether certified or not certified by the County Director of Human Services shall be considered to be a residential use of property for purposes of municipal, county and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type “B” family day care home. Type “B” family day care home and type “B” home mean a permanent residence of the provider in which child day-care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purpose of this division, any children under six years of age who are related to the provider and who are on the premises of the type “B” home shall be counted. Type “B” family day care home does not include a residence in which the needs of children are administered to, if all of the children whose needs are administered to are siblings of the same immediate family and the residence is the home of the siblings. (Effective 10/01/2001)

COMMUNITY CENTER:

Land and/or buildings with public ownership for the benefit of the general public; examples, courthouses, libraries, city halls.

COVERAGE:

The percentage of the lot area, covered by the building(s).

DOG/ CAT KENNEL:

Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care of, breeding, for which any fee is charged; or any place in or at which more than three (3) dogs over age four (4) months are kept for any purpose.

DUMP:

A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING:

A building designed or used exclusively as the living quarters by one family.

DWELLING UNIT:

Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, space and equipment for cooking, bathing and toilet facilities, all used by only one family.

DWELLING, SINGLE-FAMILY:

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by an open space.

DWELLING, TWO-FAMILY:

A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, having separate or combined entrances.

EARTH SHELTER DWELLING UNIT

Shall mean a building either partially or completely below grade having fixed and completed construction of walls, foundation and roof, and servicing as a habitable home containing living, dining and sleeping rooms, kitchen, storage closets, and an enclosed mechanical equipment room. A temporary basement with a flat tar paper roof is not to be considered an earth shelter for the purposes of this definition, nor shall they be permitted. Except as modified herein, no earth shelter dwelling unit shall be constructed or used unless a valid conditional Zoning permit has been issued by the Zoning Board of Appeals and the Zoning Inspector. All other requirements governing conventional homes shall be in effect on earth homes, in addition to the specifications set forth in the earth home regulations.

FAMILY:

One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.

FARM:

Any parcel of land containing at least five (5) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used.

FLOOR AREA OF A BUILDING:

The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, which is devoted to a Land Use permitted in the district where located. All dimensions shall be measured between exterior faces of the walls.

GARAGE, PRIVATE:

An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used to shelter or store passenger automobiles and located on the same lot as the dwelling to which it is accessory.

GARAGE, PUBLIC:

Any garage, other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GASOLINE SERVICE STATION:

Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, cleaning or minor services and repairs of such motor vehicles.

GRADE, FINISH:

The average level of the finished surface of the ground adjacent to the exterior walls of any building.

HOME OCCUPATION:

An accessory use, which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted in the dwelling unit and/or an accessory building, without any significant adverse affect upon the surrounding neighborhood. All accessory uses shall involve not more than three receivers of such services at any one time. (Effective 1/1/16)

HOSPITAL:

Shall be deemed to be limited to places for the diagnosis, treatment and/or other care of human ailments.

INSTITUTION:

A building occupied by a non-profit corporation or a non-profit establishment for public use.

JUNK:

"Junk" means old or scrap copper, brass, rope, rags, trash, waste, paper, batteries, rubber, junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous materials.

JUNK YARD:

"Junk Yard" means an establishment or place business which is maintained or operated for the purpose of storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and includes garbage dumps and sanitary landfills. The term "junk yard" shall include scrap metal processing facilities, which are located within one-thousand feet of the nearest edge of the right-of-way of a highway in the interstate or primary system.

LIVING AREA:

The total of the square feet of useable living floor space within the defined areas created by the walls of a dwelling. Does not include open patios, open terraces or courts, open breezeways, outside steps, garages, basements, and/or carports.

LOT:

A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this resolution.

LOT, CORNER:

A parcel of land at the junction of, and fronting on, two or more intersecting streets.

LOT, DEPTH OF:

A mean horizontal distance between the front lot line and the rear lot line, measured in a general direction parallel with its side-lot lines. Unless otherwise specified, the length shall be measured from the center of the street. Lot length and lot depth have the same meaning.

LOT, INTERIOR:

A lot other than a corner lot.

LOT, WIDTH OF:

The shortest distance between the lot side lines, at the specified Setback Building Lines.

LOT LINES:

Any line dividing one lot from another.

MOBILE HOME:

Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets, and designed to permit the occupancy thereof as a dwelling unit for one or more persons.

NON-CONFORMING USE:

A building, structure or use of land existing at the time of enactment of this resolution, and which does not conform to the regulations of the district in which it is situated.

NURSERY SCHOOL:

A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis.

OPEN SPACE:

A space unoccupied by structures and open to the sky on the same lot with the building(s).

PARK:

A public, private, and/or commercial area which is to be used for recreational purposes. Any such area which requires a fee or a use fee shall first secure a zoning permit.

PARKING SPACE:

An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of passageways and driveways appurtenant thereto, and giving access thereto, and having direct access thereto, and having direct access to a street or alley.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING:

A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale, as an industrial or commercial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a Zoning Permit has been made.

REAR LOT CLEARANCE:

An open space between the rear line of any building, including accessory buildings and the rear line of the lot and extending the full width of the lot.

SETBACK:

The minimum distance from the street line to the building line measured along a line perpendicular to the street line or front property line, or, in the case of an arc street, measured along the radius of such arc. For lots abutting on a thoroughfare as shown on the Major Thoroughfare Plan for Lorain County, the setback shall be measured from the proposed right-of-way line specified for that thoroughfare on the Major Thoroughfare Plan.

SIDE LOT CLEARANCE:

The open space between the main building, or any accessory building, and the side line of the lot, extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.

SIGN:

Any structure or part thereof, or any device attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. A "sign" includes any "billboard", but does not include the flag, pennant, or insignia of any nation, or group of nations, or of any state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic professional, religious or like campaign, drive, movement or event. However, a "sign", as defined herein, shall not include a similar structure or device located within a building.

A "business sign" is a sign which directs attention to a business or profession conducted or to products sold upon the same lot. A "For Sale" or "To Let" sign, relating to the lot on which it is displayed, shall be deemed a "business sign".

An "advertising sign" is a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.

An "illuminated sign" is any sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.

A "flashing sign" is any "illuminated sign" on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

SIGN, ADVERTISING:

A sign which directs attention to a business, commodity, service or entertainment conducted sold or offered elsewhere than on the premises and only incidentally on the premises, if at all.

STORY:

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above.

STREET:

A public or private way which affords the principal means of access to abutting properties.

STREET LINE:

Is defined as the right-of-way line of any road, street, or highway as proposed on the Major Thoroughfare Plan of Lorain County, Ohio. All setback distances on the Zoning Map for Penfield Township shall be measured from the street line.

STRUCTURE:

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

SWIMMING POOL:

A private swimming pool, as regulated herein, shall be any pool or open tank, not located within a completely enclosed building, constructed above or below, the ground containing a water depth capacity of two (2) feet or greater, and being twelve (12) feet or more in width, length or diameter. (Effective 5/16/06) No such swimming pool shall be allowed except as an accessory use to a residence or private club facility and unless it complies with the conditions and requirements outlined in Article 4.

USE:

The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "Permitted Use" or its equivalent shall not be deemed to include any non-conforming use.

USE, CONDITIONAL:

A use of land that is of such a nature that its unlimited operation could be detrimental to the health, safety, morals and general welfare of residents in the surrounding area or property or property values, and on which the public has reserved the right to permit the use subject to certain general and specific conditions stated in the ordinance which are deemed necessary to protect the permitted uses of other affected properties.

VARIANCE:

A variance in a Zoning Resolution is a modification from the literal provisions of that resolution by the Appeals Board in cases where a literal enforcement of its provisions would result in unnecessary hardship owing to circumstances unique to the individual property or use for which the variance is granted.

YARD:

An open, unoccupied space, other than a court on the same lot with a building.

YARD, FRONT:

A yard extending the full width of the front of a lot between a street right-of-way line and the building setback line.

YARD, REAR:

An open, unoccupied space on the same lot with the building, between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE:

An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Article 6 AGRICULTURE

Article 6.1 AGRICULTURE

No parcel with less than five (5) acres, within a platted subdivision, shall be deemed an agricultural plot for the purposes of ORC 519.21, unless otherwise provided. Land located outside of a platted subdivision may be used for agricultural purposes in any zoning district. Any structure constructed in the Township will need a zoning permit unless the Township zoning inspector determines that such will not be required pursuant to an applicable and verified agricultural purpose. A zoning certificate shall be required for residences. Such residences must comply with the zoning regulations. Adopted 6/15/2010 Revised 5/20/21

Article 6.2 DOG/CAT KENNELS

- A. RUNWAYS, EXERCISING AREAS. All exercising of animals shall be conducted solely on the premises. All outside small animal runways or kennels shall be enclosed by a six (6) foot woven chain link fence, maintained in a clean, orderly and sanitary condition and free from any conditions that would menace the health of the animals enclosed therein, the public, or constitute a nuisance.
- B. BUILDINGS AND ENCLOSURES. The main building and any buildings housing animals shall be no closer than one hundred (100) feet from any other lot in any direction. Enclosed runways or outside runways shall be no closer than one hundred (100) feet from any property line.
- C. MANURE PILES. Manure piles shall be disposed of daily in a sanitary, non-odorous condition.
- D. LIGHTING. All outside lighting shall be shielded from adjacent properties.

Effective 10/1/2001

Article 7 **RESIDENTIAL DISTRICT**

Article 7.1 PERMITTED USES 7-2

Article 7.2 CONDITIONALLY PERMITTED USES 7-3

Article 7.3 MINIMUM LOT PER FAMILY 7-8

Article 7.4 MINIMUM LOT WIDTH 7-9

Article 7.5 SETBACK BUILDING LINES 7-9

Article 7.6 SIDE YARDS 7-9

Article 7.7 DRIVEWAYS/ACCESS ROADS 7-9

Article 7.8 STORAGE TRAILERS 7-9

Article 7.9 ALTERATION TO HOMES 7-10

Article 7.10 CERTIFICATE OF OCCUPANCY 7-10

Article 7.11 TEMPORARY CERTIFICATE OF OCCUPANCY 7-10

Article 7.12 RECORD OF CERTIFICATE OF OCCUPANCY 7-10

Article 7.1 PERMITTED USES

The following uses and no other shall be permitted in all residential and agricultural districts.

- A. Single or two-family dwellings and buildings accessory thereto, but excluding tents, cabins, trailer coaches and mobile homes, except that any structure or not more than one mobile home or not more than one trailer coach may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, provided such excluded use shall not be continued more than one year, and provided further, that one trailer coach may, with a permit from the Zoning Inspector, be permitted on the same lot with an existing residence on a temporary visitor's basis for a period not to exceed thirty days in any one calendar year.

The temporary use of trailer homes shall be subject to all sanitary regulations and to all regulations of this zoning resolution, including yard requirements.

A separate zoning certificate shall be required for the use of temporary dwelling quarters. No such certificate shall be issued unless the owner posts security in an amount to be determined by Township Trustees, to ensure that the trailer coach, mobile home, or other temporary dwelling quarters will be removed at the end of one year or at the completion of construction of the permanent residence, whichever is earlier. Such certificate may be renewed or extended for periods of not more than six months each at the discretion of the Zoning Inspector. (Effective 3/6/89)

After the initial 18 month period, the permit may be renewed in 30 day increments. A fee shall be deducted from the original security deposit, in an amount to be determined by the township trustees, for each 30 day extension. (Effective 7/21/92)

- B. Trailer or Mobile Homes shall not be permitted except conditions as listed above.
- C. Church, school, children's' home, public library, township hall, public museum, community center, fire station, publicly-owned park or playground, except that correctional institutions shall be prohibited.
- D. Roadside stands consisting of removable structures used solely for the display and sale of products produced on the premises, provided such stands are at least twenty-five (25) feet back from the nearest edge of improved portion of highway, and provided that adequate facilities are maintained in conjunction therewith for off-the-road parking. Removable structures shall be moved back at least to the setback building line during the seasons when they are not in use.

- E. Seasonal dwellings shall be permitted provided they meet Lorain County Health Department requirements/regulations as they apply to dwelling units. Seasonal dwellings shall not be occupied for more than four (4) months continuous in any single calendar year. (Effective 7/21/92)

Accessory buildings incidental to the principle use which does not include any activity conducted as a business. (Effective 2/3/94)

Article 7.2 CONDITIONALLY PERMITTED USES

GENERAL STANDARDS APPLICABLE TO ALL 7.2 CONDITIONAL USES (Effective 01JAN2016)

In addition to the specific requirements for conditionally permitted uses, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective, of the Lorain County Comprehensive plan, The Penfield Township Comprehensive (Land Use) Plan, and the Penfield Township Zoning Resolution
2. Is in fact, a conditionally permitted use in the zoning district where the permit is sought and complies with all applicable development standards established in this zoning resolution
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of properties in the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by

reason of excessive production of traffic, noise, smoke, dust, fumes, heat, glare, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television receivers or computers off the premises, or cause fluctuations in line voltage off the premises.

8. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public streets or roads.
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
10. All applicable regulations and statutes to operate the business shall be met and certification of such compliance by the appropriate official shall accompany the application.

In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions and safeguards, when made part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and is punishable under article 16.01 and 16.02.

A. Public Hearing; Notices Required (Effective 05SEP2019)

Notice of public hearings must be made in accordance with Ohio Revised Code section 519.15.

- B. Expiration of Conditional Use Permit** - A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months. A Conditional Use Permit runs with the land and is transferable if or when the property is sold and the new owner understands the limits of the existing Conditional Use Permit and its conditions The Board of Zoning Appeals may in some cases put a limit on the length of time the permit is valid before it must be renewed, and require a renewal application and payment of a renewal fee as established by the Township Board of Trustees. (Effective 05SEP2019)

The following shall be permitted only after a Conditional Use Permit has been approved by the Board of Zoning Appeals and any required fees submitted:

- C. Home Occupation** – Any person may apply for a conditional use permit for a home office, or to carry out a home occupation in the dwelling used by him as his private

residence, and/or an accessory building, providing such use does not involve any extension or modification of said dwelling which will alter its outward appearance or give other evidence of such use other than for signs, as authorized in other sections of this resolution. See article 5.0 for the definition and intent of home occupations. Specific additional requirements follow:

1. Applicant must comply with all of the general standards listed above.
2. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Home occupations may be carried on entirely within the dwelling and/or in an accessory building provided that the accessory building usage is not over 2000 square feet.
3. Such use shall be conducted by members of the immediate family, namely one or more persons residing in the dwelling and shall have no more than one (1) additional employee/volunteer/or independent contractor on the premises.
4. Activities are prohibited which generate impacts inappropriate for residential area use such as noise, frequent deliveries or visits by customers, disruptive night-time or weekend operations, outside display or storage of materials , or creation of other nuisances, hazards, or utility impacts beyond those compatible with residential use. There shall be no exterior sign, except as permitted under the section on signs.
5. No traffic shall be generated by such home occupation greater in volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements specified in this resolution, and shall not be located in the road right-of-way.
6. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere.
7. The applicant is expected to make his facility available for periodic inspections conducted by the Township Zoning Inspector. The inspection will serve to insure compliance with the requirements set forth herein. These occasional site visits are intended to verify information provided on the application and should include copies of any records of employment kept in the ordinary course of

business. The prohibiting of the site visit may be considered as a factor in denial for renewal of the permit. (Effective 31MAY2018)

D. Wireless communications shall be a conditionally permitted use upon approval of the Penfield Township Board of Zoning Appeals, subject to the following Conditions: (Revised 5/16/06)

- 1. Minimum lot size frontage shall be 250'
- 2. Minimum yard requirements for tower:

Front yard setback: The height of the tower plus 300'

Side yard setback: The height of the tower plus 10% or the minimum distance of 200' from any residential district lot line, whichever is greater.

Rear yard setback: The height of the tower plus 10% or the minimum distance of 200' from any residential use or residential lot line, whichever is greater.

Minimum yard requirements: Accessory shelter:

Front yard setback	300'
Side yard setback	100'
Rear yard setback	200'

- 3. Maximum height:
 - Tower - 300 feet (includes antenna)
 - Accessory building - 25 feet
- 4. Maximum size: Accessory building - Total building space shall not exceed 750 square feet. If there are multiple users then the equipment must be sheltered in a single building unless the applicant can show a technical necessity for a separate building in which case multiple building must be designed to have the appearance of a single building.
- 5. Access - The service access to the Accessory building shall, wherever feasible, be provided along the circulation driveways of the existing use.

6. Lights: Lights must be on any tower at 100 feet and at 50 feet intervals after that. (Effective 11/16/01)

E. Tourist homes, rooming houses, bed and breakfast, and boarding homes accepting not more than six (6) paying guests at any one time. (Effective 6/16/94)(Revised 5/16/06)

- a. No more than two adults shall occupy each sleeping room. Children under twelve years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one room.
- b. Fire exit instructions shall be posted in each sleeping room.
- c. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
- d. The facility shall be operated so that guests reside at the home for not longer than one continuous week.
- e. The facility shall be part of the principal dwelling only and shall not contain more than four (4) sleeping rooms.

F. Treated Septage and class B sludge (including Food Waste) Lagoons may be a conditional permitted use upon the approval of the Penfield Township Board of Zoning Appeals, subject to the following conditions:

1. Minimum parcel (or combination of conjoined parcels under common ownership) shall be a minimum of 50 acres.
2. The construction of a sludge lagoon shall be prohibited in areas designated as a Flood Plain or Wetland.
3. Setbacks shall be measured from the edge of the excavated lagoon or from the outside toe of an embankment and shall be so located a minimum of the following:
 - a. 1000 feet from roadside right of way.
 - b. 350 feet from side and rear parcel lines and 1000 feet from a residence existing at the time of the initial approval of the application.

- c. Shall maintain a 50 foot buffer zone (planted vegetation) from the edge of a flood plain or wetland.
4. Access (entrance and egress) to and from the facility must be from a State Highway or County Road. The access road to the facility must be capable of withstanding the projected truck traffic.
5. The lagoon must be fenced and gated with a minimum of an 8 foot cyclone type chain link fence.
6. Lighting of the facility shall be directed in such a manner as to not distract from residential neighborhoods.
7. Noise level of equipment shall not exceed 80dBA, as measured at the property boundaries of the installation site. The level may be exceeded during short-term events such as utility outages.

Article 7.3 **MINIMUM LOT PER FAMILY**

- A. The minimum requirements shall be three (3) acres of lot area for each single family dwelling. (Effective 12/21/92)
- B. The minimum requirements shall be three (3) acres of lot area per family for each two-family or Multi-family dwelling. (Effective 01/05/95)
- C. No apartment house or living quarters over a business establishment shall be erected or maintained or building altered into apartments to accommodate more than one (1) family for each two acres of lot area.
- D. Any lot that conformed to zoning at the time it was created is considered buildable as long as any new structures conform to current zoning requirements. See Article 7.13.

Article 7.4 MINIMUM LOT WIDTH

- A. No dwelling shall be erected in any district on a lot having a frontage of less than two hundred-fifty (250) continuous feet measured at the setback line on an approved public thoroughfare. (Effective 12/21/92)
- B. No two family dwelling or multiple family dwelling shall be erected in any district on a lot having a frontage of less than two hundred fifty (250) continuous feet per family measured at the set back line of an approved public thoroughfare.
- C. Any lot that conformed to zoning at the time it was created is considered buildable as long as any new structures conform to current zoning requirements. See Article 7.13.

Article 7.5 SETBACK BUILDING LINES

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within seventy (70) feet of the road right-of-way or within seventy (70) feet of the closest property line parallel to the road. (Rev 5/20/2021)

Article 7.6 SIDE YARDS

For every dwelling erected in any district, there shall be a minimum side lot clearance on each side of said building of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

Article 7.7 DRIVEWAYS/ACCESS ROADS

No driveway or access road shall be constructed less than 5 (five) feet from the side lot lines.

Article 7.8 ACCESSORY STORAGE STRUCTURES (Rev 5/20/2021)

INTENT

Any trailer, shipping container, or building on skids greater than 120 square feet, (Accessory Storage Structures) shall be considered an accessory structure and as such will require a permit to be issued by the Zoning Inspector.

CONDITIONS

A maximum of two (2) Accessory Storage Structures shall be allowed per parcel and/or adjacent parcels all under one ownership.

A trailer or shipping container may be utilized for storage provided the following conditions are met:

1. Wheels and axles must be removed.
2. Must be installed on a raised (above grade) foundation.
3. All signs or corporate logos must be either removed or completely covered so as to not be offensive to the general public. No offensive graffiti or perforated rust.

SETBACK REQUIREMENTS

Set back requirements for Accessory Storage Structures shall be the same as those required for any other type accessory structure.

Article 7.9 ALTERATION TO HOMES

Any alterations to a home in Penfield Township must be connected to the existing home by at least 50% of the shortest side of the alteration, not to exceed 40% of the existing homes' total square feet.

Article 7.10 CERTIFICATE OF OCCUPANCY

It shall be unlawful to use, or occupy, or permit the use or occupancy of any building or premises, or both, or part hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the relevant zoning permit and the requirements of this resolution.

Article 7.11 TEMPORARY CERTIFICATE OF OCCUPANCY

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

Article 7.12 RECORD OF CERTIFICATE OF OCCUPANCY

The Zoning Inspector shall maintain a record of all certificates of occupancy and a copy shall be furnished upon request to any person.

Article 7.13 **HISTORICAL BUILDING LOT SIZES**

Lot created between May 1, 1973 and December 5, 1976:

Minimum Frontage one hundred (100) feet. Minimum Area one half (1/2) acre.

Lot created between December 6, 1976 and September 25, 1991:

Minimum Frontage one hundred twenty-five (125) feet. Minimum Area one (1) acre.

Lot created between September 26, 1991 and December 20, 1992:

Minimum Frontage two hundred (200) feet. Minimum Area two (2) acres.

Lot created on or after December 21, 1992:

Minimum Frontage two hundred fifty (250) feet. Minimum Area three (3) acres.

Article 8 **COMMERCIAL DISTRICT**

Article 8.1	PURPOSE	8-2
Article 8.2	PERMITTED USES	8-2
Article 8.3	REQUIRED LOT AREA	8-3
Article 8.4	SETBACK BUILDING LINES	8-3
Article 8.5	COMMERCIAL DISTRICT OFF-STREET PARKING & LOADING FACILITIES	8-3
Article 8.6	GENERAL INTERPRETATIONS	8-10
Article 8.7	PLOT PLAN REVIEW	8-10
Article 8.8	ADJACENT ZONES	8-10
Article 8.9	ADULT USE/SEXUALLY ORIENTED BUSINESSES (Revised May 2004).....	8-10

Article 8.1 PURPOSE

It is the intention of the Board of Penfield Township Trustees that by the creation of the Commercial District and its appurtenant regulations the development of future shopping areas and the rehabilitation of existing ones will provide for business districts which are pleasant, safe, convenient and efficient to use.

Article 8.2 PERMITTED USES

Building or premise may be used for any of the following purposes in a Commercial District:

1. All uses permitted in a Residential District.
2. Restaurants, cafe and soda fountain.
3. Automobile service stations, Minor repair and storage garages.
4. Motor vehicle salesroom.
5. Any local retail business or service establishment, such as a grocer, fruit or vegetable store, meat market, boat repair or storage business, office, drug store, shoe repair shop, hardware store, barber and beauty shops, frozen food lockers (but not including wholesale storage), plumbing and heating shop, printing shop, furniture shop, interior decorating and upholstery shop, theater, assembly halls, hotel, lunchroom, public amusement or recreation use, funeral home or mortuary, garage, or filling station for general automobile repair, paint sales, skating rink, steam cleaning, other uses of the same general character and business and professional offices supply commodities or performing services. Board services. Boarding houses and lodging houses.
6. Wholesale businesses, no processing, fabrication or assembly.
7. Advertising signs or structures.
8. New and used automobiles, armed forces surplus, and farm implement sales.
9. Accessory buildings to the above uses.
10. Veterinary clinic upon approval of plans and locations by the Township Zoning Commission.
11. Mineral water, sales and bottling.
12. Child care.

Article 8.3 REQUIRED LOT AREA

Any commercial building used for residence purposes shall have a lot area and lot width equal to that required in a Residence District. The setback building lines must conform to that in a Residence District.

Article 8.4 SETBACK BUILDING LINES

All commercial buildings must conform to setback building lines of the Residential District.

Article 8.5 COMMERCIAL DISTRICT OFF-STREET PARKING AND LOADING FACILITIES

A. GENERAL REQUIREMENTS

1. No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with provisions of this Resolution.
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Resolution.
3. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change, provide whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50%) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and twenty-one (21) feet in width and twenty (20) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

B. LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, sixty (60) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fourteen (14) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand square feet. One loading space shall be provided for each additional ten thousand square feet or fraction thereof.

D. PAVING

The required number of parking and loading spaces as set forth in this article together with driveways, aisles, and other circulation areas, shall be improved with acceptable impervious material to provided a durable and dust free surface.

E. DRAINAGE

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

F. MAINTENANCE

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

G. LIGHTING

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect light away from the adjoining property.

H. LOCATION OF PARKING SPACES

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
2. Parking spaces for commercial use shall be located not more than two-hundred (200) feet from the principal use. Parking lots farther than two-hundred (200) feet from the principal use may be approved by the Zoning board of Appeals.

SCREENING AND/OR LANDSCAPING, PARKING AREA CAPACITY

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall or planting screen shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen and the lot line of the adjoining premise in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

The yard shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition. No one area for off-street parking or motor vehicles shall exceed forty (40) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten (10) foot planting strips.

J. REQUIRED TRASH AREAS

All commercial uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provision for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Trustees shall be required.

K. MINIMUM DISTANCE AND SETBACKS

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit or school, unless separated by an acceptably designed screen. If on the same lot with a one family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

L. JOINT USE

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Board of Appeals shall be filed with the application for a zoning permit.

M. WHEEL BLOCKS

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

N. WIDTH OF DRIVEWAYS

Driveways serving individual parking spaces shall be not less than twenty-five (25) feet for ninety (90) degree parking, twelve (12) feet wide for parallel parking, eighteen (18) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking.

O. ACCESS

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access of driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street. The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards.

1. One-way traffic - For one way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet.
2. Two-way traffic - Access roads for two-way traffic shall have a minimum width of twenty four (24) feet. Parking areas having more than one aisle or driveway shall have direction signs or markings in each aisle or driveway.

P. STRIPING

All parking areas with a capacity over twelve (12) vehicles shall be striped with double lines six (6) inches both sides of center between stalls to facilitate the movement into and out of the parking stalls.

Q. PARKING SPACE REQUIREMENTS

For the purpose of this Resolution, the following parking space requirements shall apply:

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
RESIDENTIAL:	
Single Family or Two-Family Dwelling	Two for each unit
COMMERCIAL:	
Automobile Service Stations.	One for each two gasoline pumps and one for each service bay plus one for each employee and one for each restroom.
Funeral Parlors, Mortuaries and similar.	One for each 100 square feet of floor area in slumber rooms, parlors, or service rooms.
Retail Stores.	One for each 250 square feet of floor area.
Banks, Financial Institutions and similar uses.	One for each 200 square feet of floor area
Offices, Public or Professional Administration, or Service Buildings.	One for each 400 square feet of floor area
All other types of Business or Commercial uses permitted in any Commercial District.	One for each 300 square feet of floor area
RECREATIONAL OR ENTERTAINMENT:	
Dining Rooms, Restaurants.	One per 2 seats plus one for each three employees

Bowling Alleys.	Four for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.
Dance Floors, Skating Rinks	One for each 100 square feet of area used for the activity
Outdoor Swimming Pools Public or Community or Club	One for each 5 person capacity plus one for each 4 seats or one for each 30 square feet of floor area used for seating purposes whichever is greater.
Auditoriums, Sports Arenas, Theaters, and similar uses	One for each 3 seats

INSTITUTIONAL:

Churches and other places of Religious Assembly	One for each 4 seats
Medical and Dental Clinics	One for every 200 square feet of floor area of examination, treating room, office, and waiting room
Libraries, Museums, and Art Galleries	One for each 400 square feet of floor area

SCHOOLS (PUBLIC, PAROCHIAL, OR PRIVATE):

Elementary and Junior High Schools	Two for each classroom and one for every eight (8) seats in auditoriums or assembly halls.
High Schools	One for every ten (10) students and one for each teacher and employee
Business, Technical Trade Schools	One for each two students
Colleges, Universities	One for each four students
Kindergartens, Child Care Center, Nursery Schools and similar uses.	Two for each classroom but not less than six for the building

Article 8.6 GENERAL INTERPRETATIONS

In interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Zoning Board of Appeals.
2. Fractional numbers shall be increased to the next whole number.

Article 8.7 PLOT PLAN REVIEW

Whenever six (6) or more vehicles are required for a given use under the requirements of this Article, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Inspector before a zoning permit can be issued. Such plans and specifications shall show the location basis and capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exists, and any other detailed feature essential to the complete design and construction of the parking area. (Effective 11/22/91)

Article 8.8 ADJACENT ZONES

When a lot in any Commercial District abuts or adjoins any Residential District, there shall be provided a yard on said lot of not less than thirty (30) feet on the side adjoining the Residence District.

Article 8.9 ADULT USE/SEXUALLY ORIENTED BUSINESSES (Revised May 2004)

INTENT:

The Penfield Township Zoning Commission and Board of Trustees have determined that numerous impact studies have been conducted pertaining to the effects of adult entertainment businesses on the neighborhoods and areas in which those businesses are located.

The members of the Penfield Township Zoning Commission and Board of Trustees have been provided with, have reviewed, and have considered copies of the "Adult Entertainment Study" dated November 1994, conducted by the New York City Department of Planning; "Adult Entertainment Business in Indianapolis, An Analysis" dated February 1984, conducted by the

Department of Metropolitan Development of the City of Indianapolis; and the “Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses” dated June 6, 1989, conducted by the Attorney General for the State of Minnesota.

The “Adult Entertainment Study” of the City of New York contains summaries of impact studies from the cities of Islip, New York; Los Angeles, California; Indianapolis, Indiana; Whittier, California; Austin, Texas; Phoenix, Arizona; Manatee County, Florida; New Hanover County, North Carolina; and the State of Minnesota.

These numerous studies conclude, based on documented evidence, that adult entertainment businesses have negative secondary effects such as increased crime rates, decreased property values, curtailed retail trade, deterioration of the quality of rural and urban life, and the spread of sexually transmitted diseases.

The adverse effects of adult entertainment business are compounded when such businesses are located in close proximity to each other and have the tendency to create “dead zones”.

The Penfield Township Zoning Commission and Board of Trustees desire to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizens, protect the citizens from increased crime, the spread of sexually transmitted diseases, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight.

The Penfield Township Zoning Commission and Board of Trustees desire to prohibit the establishment of adult entertainment businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, residences, schools, churches, parks, playgrounds, social service facilities, and neighborhood centers.

It is not the intent of this resolution or any related resolutions to suppress any speech activities protected by the First Amendment to the United States Constitution. The intent is to enact a content-neutral resolution, which addresses the secondary effects of adult entertainment businesses. There is adequate land available in Penfield Township, zoned Commercial, within which adult entertainment businesses may be located.

It is not the intent of this resolution or any related resolutions to condone, encourage or legitimize the distribution of obscene material or the establishment of adult entertainment businesses.

DEFINITIONS:

As used to apply to the regulation of adult use/sexually oriented businesses as contained in this article:

1. "Adult arcade" means any place to which the public is permitted or invited where either or both: (a) motion picture machines, projectors, video or laserdisc players, or other video or image producing devices are available, run via coin, token, or any other form of consideration, to show images to five (5) or fewer persons per machine at any one time; or (b) live entertainment is available in a format designed for viewing by five (5) or fewer persons at one time; and where the images shown and /or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
2. "Adult bookstore," "adult novelty store," or "adult video store" means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - b) Instruments, devices, or paraphernalia, other than prophylactics that are designed for use in connection with specified sexual activities.

A commercial establishment shall be deemed to have as a principal business purpose the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, or materials designed for use in connection with specified sexual activities if (i) such commercial establishment devotes more than 15 percent of its total floor area to such sales or rentals, (ii) such commercial establishment devotes more than 15 percent of its product display space to such sales or rentals, or (iii) on an annual basis, more than 15 percent of the gross revenues generated by such commercial establishment are attributable to such sales or rentals, A commercial establishment may have other principal business purposes that do not involve offering for sale or rental materials depicting or describing specified sexual activities or specified anatomical areas, or materials designed for use in connection with specified sexual activities, and still be categorized as an adult bookstore, adult novelty store, or adult video store, Such other business purposes will not serve to exempt such a commercial establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental for consideration the specified materials, which are characterized by depiction or description of specified sexual activities or specified anatomical areas or are designed for use in connection with specified sexual activities.

3. "Adult Cabaret" means a nightclub, bar, restaurant, theater, concert hall, auditorium or other commercial establishment that for the purpose of arousing, stimulating or gratifying the sexual desire of employees or customers, features:
 - a. Persons who appear in a state of nudity or semi nudity.
 - b. live entertainment characterized by the depiction or description of specified anatomical areas: or
 - c. Live entertainment of an erotic nature including erotic dancer, strippers, male or female impersonators, or similar entertainment.
4. "Adult Motel" means a hotel, motel or similar commercial establishment that:
 - a. offers accommodations to the public for any form of consideration; and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or descriptions of specified sexual activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of this sex oriented type of photographic reproductions:
 - b. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - c. Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.
5. "Adult Motion Picture Theater" means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
6. "Adult Motion Picture Drive-in Theater" means an open air drive-in- theater where for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
7. "Adult Use/sexually Oriented Business" means any of the following: Adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, adult motion picture theater, adult motel, nude model studio, or sexual encounter center.

8. Adult Use/sexually Oriented business Employee: A person who performs any service or work on the premises of any adult use/sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing functions, on a fulltime, part-time or contract basis, whether or not the person is denominated and employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business, Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of good to the premises.
9. "Covering" means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or makeup, or any substance designed to simulate the appearance of the anatomical area beneath it.
10. "Nude Model Studio" means any place where a person, who appears nude or seminude or who displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculpture, photographed, or similarly depicted by other persons who pay money or any form of consideration.

"Nude Model Studio: does not include:

- a. a proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation;
 - b. private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - c. An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude or seminude model is on the premises at any one time.
11. "Nudity" or "Nude" means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view and device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

12. "Semi nudity" or "Seminude" means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposing in whole or in part.
13. "Sexual Encounter Center" means a business or commercial enterprise that offers for any form of consideration:
 - a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
14. "Specified Anatomical Areas" means:
 - a. the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - b. less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola,
15. "Specified Sexual Activities" means any of the following:
 - a. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - b. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - c. Excretory functions as a part of or in connection with any of the activities set forth in a. or b. above.

REGULATION (Effective May 2004)

Adult use/sexually oriented businesses as defined in the Zoning Resolution are permitted only in the Commercial district provided the following requirements are met;

1. No adult use/sexually oriented business as defined in the Zoning Resolution shall be operated or maintained on a parcel of land located within the following, designated as sensitive uses:

- a. A flood plain district.
- b. 50-feet of any parcel containing a residence or boundary of any residential district.
- c. 50-feet of any boundary of any residential district in a local unit of government abutting the Township .
- d. 1000-feet from any church, public library, public or private education's facility that serves persons under 18 years of age, elementary school, public park or playground, or state-licensed day care facility, or any community or neighborhood center.
- e. 1000-feet from any parcel of land on which any other adult use/sexually oriented business is located.

For purposes of this section, the measure of distance shall be from the outermost wall of the structure or proposed structure of the sexually oriented business that is nearest to the applicable sensitive use, to the property line of the applicable sensitive use, along the shortest possible course, without regard to intervening structures or objects, regardless of any customary or common route or path of travel.

2. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from a sidewalk or street adjacent to the building.
3. Signs shall conform to requirements in Article 10.
4. No signs shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.
5. No building shall be erected, constructed, or developed and no building shall be reconstructed, remodeled, arranged for use, or used for any adult use/sexually oriented business unless the above requirements are met.
6. An Adult Use/Sexually Oriented Business shall be operated in accordance with regulations of Sexually Oriented Businesses established by the Township.

Article 9 **INDUSTRIAL PARK DISTRICT**

Article 9.1 INTENT 9-2

Article 9.2 PERMITTED USES 9-2

Article 9.3 SPECIAL PERMITTED USES 9-3

Article 9.4 BUILDING HEIGHT 9-3

Article 9.5 MINIMUM LOT AREA AND LOT WIDTH 9-3

Article 9.6 SIDE AND REAR YARDS 9-4

Article 9.7 PERCENTAGE OF LOT COVERAGE 9-4

Article 9.8 OFF-STREET PARKING, LOADING AND STORAGE 9-4

Article 9.9 YARDS REQUIRED 9-5

Article 9.10 SIGNS 9-6

Article 9.11 ZONING CERTIFICATE 9-6

Article 9.12 STREETS, SEWERS AND WATER LINES 9-7

Article 9.1 INTENT

It is the intent of the Township in the creation of the Industrial Park District and its appurtenant regulations to encourage, in appropriate locations, the development of "industrial subdivisions" which will be characterized by a park-like openness and attractive modern buildings set in a landscaped environment. Industries located therein shall be harmoniously integrated with each other and compatible to that portion of the Township within which the industrial park is located. Area requirements for the District are designed to promote the concentration of these desirable industries so that necessary common facilities may be provided and used and in order that problems of utilities, access, traffic control and other services may be more easily solved.

Article 9.2 PERMITTED USES

A building or premises may be used for the following purposes in the District:

- A. Public utilities whether owned and operated municipally or privately.
- B. Research laboratories.
- C. The assembly, manufacturing, compounding, processing, packaging, treatment or fabrication of bakery goods, candy, ceramics, cosmetics, clothing, electrical and electronic equipment, jewelry, instruments, optical goods, pharmaceuticals, toiletries and food products, except fish and meat products, sauerkraut, vinegar, yeast and rendering or refining of fats and oils.
- D. The manufacturing, compounding, assembling or treatment of articles of merchandise from the following prepared materials; cone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (except planning mill), yarns and those substances of compounds which are not combustible, inflammable, explosive or likely to create fire, radiation or explosive hazards to surrounding property. Except the foregoing, other articles, substances or compounds may be stored and used in reasonable quantities provided such storage and use are permitted and subject to such conditions as the Zoning Commission may deem necessary in the interests of public safety.
- E. Customary accessory uses to any of the foregoing, not in conflict with any other provisions of this Resolution.
- F. Other uses of a like nature as approved by the Zoning Commission.

Article 9.3 **SPECIAL PERMITTED USES**

The following special uses shall be permitted in an Industrial Park District providing that buildings and accessory buildings and uses comply with all requirements of this District, and that all such uses not involving buildings or accessory buildings shall have the approval of the Zoning Commission.

- A. Cafeterias or restaurants specifically designed and primarily intended for use by those employees and management of uses permitted in the Industrial Park District, but not necessarily exclusively for their use.
- B. Bowling alleys, auditoriums, meeting rooms, or other buildings primarily intended for the mutual use of the permitted uses located within the District, for meetings, programs, displays, recreation and other such uses as the industrial users of the District may deem necessary. These facilities shall be prohibited for use by organizations, clubs and fraternities not specifically a part of the industrial users of the District.

Outdoor recreational facilities designed and intended for use by employees and management of those industries within the District. These facilities and associated uses shall comply with all requirements of this Article in respect to front yard, side yard and rear yard clearances. These facilities if lighted must be shielded away from any thoroughfares and residential districts.

Article 9.4 **BUILDING HEIGHT**

The maximum height of any building at each of the building lines shall be no more than thirty-five (35) feet. For each foot of setback interior to all building lines, an additional height of one (1) foot shall be permitted, but in no event shall the total height exceed forth-five (45) feet, except as otherwise provided in this Resolution.

Article 9.5 **MINIMUM LOT AREA AND LOT WIDTH**

An Industrial Park District shall be required to contain a minimum of fifty (50) acres of land area.

All buildings or structures permitted in the Industrial Park District shall be located on a lot having a minimum area of one (1) acre and a minimum frontage on a public thoroughfare of one hundred and fifty (150) feet.

Article 9.6 SIDE AND REAR YARDS

There shall be a rear yard of not less than fifty (50) feet and two (2) side yards, each having a width of not less than twenty-five (25) feet. Wherever an industrial district adjoins any other district, there shall be side and rear yard areas of not less than one hundred (100) feet along the lot lines of such other district and suitable planting shall be maintained in such area. Suitable planting shall mean a planting which will reach a height of at least seven (7) feet within a two-year period after such planting is made, and which will effectively screen the industrial use district from the adjoining lots of any other use district.

Article 9.7 PERCENTAGE OF LOT COVERAGE

No more than thirty (30) percent of the lot area shall be covered by any main and accessory buildings.

Article 9.8 OFF-STREET PARKING, LOADING AND STORAGE

Space for off-street parking of employees, customers and visitors shall be required in accordance with the following:

<u>BUILDING USE</u>	<u>MINIMUM PARKING REQUIREMENT</u>
Assemble, manufacturing compounding, processing, packaging, treatment, fabrication	1 space per employee
Cafeterias and restaurants	1 space for each 2 seats 1 space for each 3 employees
Meeting Hall	1 space for each 3 seats 1 space for each 3 employees
Other Uses	As determined by the Board of Zoning Appeals

- A. Each parking space shall not be less than two-hundred (200) square feet, exclusive of drives and turning spaces.

- B. All parking areas and driveways shall be graded and hard-surfaced with asphalt or concrete, bumper guards shall be provided to establish the limit of each parking area, except at access ways.
- C. No parking shall be permitted on a thoroughfare specified as a major thoroughfare on the officially adopted Major Thoroughfare Plan of Lorain County.

Article 9.9 YARDS REQUIRED

A. Front Yards

The depth of the front yard shall be not less than seventy-five (75) feet on all minor streets. For lots fronting on streets shown as major thoroughfares on the Lorain County Major Thoroughfare Plan, the depth of the front yard shall be seventy-five (75) feet, plus one-half of the proposed right-of-way for such major thoroughfares as shown on the Major Thoroughfare Plan.

B. Access Barrier

Within the required front yard and adjacent to the street right-of-way line, there shall be an open and unobstructed buffer strip of thirty (30) feet in depth. Parking of vehicles in this buffer strip shall be prohibited. Except for access ways permitted below, such buffer strip shall contain a curb or other suitable barrier against un-channeled motor vehicle ingress or egress and shall be continuous for the entire width of the lot adjoining the street or highway right-of-way line.

C. Access ways and Drives

Each lot shall have not more than two access ways to any one street or highway. The width of such access way shall be not less than twenty (20) feet nor shall it exceed forty (40) feet. Insofar as practicable the use of common access ways by two or more uses shall be encouraged to reduce the number of access points. The fronting of uses on a marginal service street shall also be encouraged.

Access drives to major streets shall be controlled in the interest of public safety and to maintain the designed capacity of the major street system.

Drives shall be so designed and located that vehicles can safely enter and leave the facility with no need to park, stand or maneuver back and forth on the major thoroughfare right-of-way.

Those portions of the access drive located within the highway right-of-way shall be paved of material equal to the highway pavement; be designed to prohibit surface drainage from flowing directly onto the highway pavement; and include minimum twenty (20) foot turning radii between the edge of the drive and be curbed.

A space or spaces shall be provided within the structure of such dimensions as to accommodate the trucks employed for loading or unloading goods for a particular use. Each space shall have a vertical clearance of at least fourteen (14) feet.

Article 9.10 SIGNS

The provisions of Article 10 shall govern any industrial park.

Article 9.11 ZONING CERTIFICATE

A zoning certificate shall be applied for before any building construction or change in use of a building or use of land in any Industrial Park District.

An application for a zoning certificate for a building or use of land shall be accompanied by:

- A. A plot plan of land or parcel of land to be used, showing dimensions, location of all existing and proposed buildings, driveways off-street parking areas, topography, abutting streets, railroads, highways, loading and unloading areas, key map, names of adjacent property owners, watercourses and other topographic features within two hundred (200) feet of the property lines.
- B. Construction plans for all proposed buildings, walls and fences.
- C. A description of the proposed industrial operation in sufficient detail to fully describe the nature and extent of the proposed use.
- D. Plans or reports describing proposed treatment of any excess traffic condition, noise, glare, air pollution, and treatment and handling of hazardous gases, liquids or other material.
- E. Plans or reports showing proposed treatment and disposal of sewage and industrial waste.
- F. Description of any fuel proposed to be used, including engineering plans for the control of any smoke which may be generated.

- G. Additional data which may be required by the Zoning Commission to ascertain conformance with the requirements of this Resolution.

The Administrative Office shall refer the application for the certificate of occupancy to the Zoning Commission for study and approval or disapproval. Upon receiving the report from the Zoning Commission, the Administrative Officer shall issue or deny the issuance of the zoning permit.

A change or changes in the physical facilities or use permitted by a building permit shall occur only after the holder of such has obtained an amendment thereto allowing such change or changes.

Article 9.12 STREETS, SEWERS AND WATER LINES

All streets, sewers and water lines in any Industrial Park District shall meet County standards. As a condition precedent to the issuance of a zoning certificate, streets, sewers and water lines shall be installed or performance guaranteed in an approved manner and at grades and locations in streets abutting lot lines as approved by the County Engineer. Where, however, not all or substantially all of a plot is to be utilized initially, the Zoning Commission shall authorize the postponement until further improvements are to be made, of as much of the installation of streets, sewers, and water lines and other improvements as is reasonable under the circumstances of the use to be made of the plot and the drainage and traffic problems of the area.

Article 10 **SIGNS**

Article 10.1 INTENT 10-2

Article 10.2 GENERAL SIGN REQUIREMENTS FOR ALL DISTRICTS 10-2

Article 10.1 INTENT

For the purpose of this resolution, outdoor advertising shall be classified as a business use and shall be permitted in all Commercial and Industrial Districts and land used for agriculture.

Article 10.2 GENERAL SIGN REQUIREMENTS FOR ALL DISTRICTS

1. Signs not larger than sixteen (16) square feet in area are permitted in any district when the use of the sign is in direct relation to the use of the premises.
2. An outdoor advertising sign or billboard, other than those mentioned in paragraph 1 of this section, shall be deemed a structure and shall require a zoning certificate, before being erected, constructed or replaced.
3. No outdoor advertising sign more than fifteen (15) square feet in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extended beyond or above the same more than three (3) feet.
4. Outdoor advertising structures shall be set back from the established right-of-way of any street or highway at least as far as the required front yard depth for a principal use in such District except for the following modifications:
5. For every square foot by which such sign or outdoor advertising structure exceeds eighty (80) square feet, such set back shall be increased by one-half foot but such set back need not exceed one hundred twenty-five (125) feet.
6. Any illuminated sign shall not have light sources at excessive brightness which may be hazardous to pedestrians or auto drivers, nor shall be colored to conflict with any highway or railroad stop or warning signal, and shall in all instances be shielded and directed away from adjacent residential districts and streets. No illuminated advertising sign shall be permitted in a residential district.
7. Business signs and in-home occupation signs must be set back at least as far as the right-of-way of the road.

INTENT AND PURPOSE

Sign regulations, including provisions to control the type, design, location and maintenance thereof are hereby established in order to achieve among others the following purpose:

- A. To promote attractive neighborhoods and maintain the high value of residential districts.

- B. To provide for reasonable and yet appropriate conditions for advertising services for goods sold or services rendered in business districts; and
- C. To provide for appropriate signs for identification and encouragement for further growth of offices, laboratories, commercial, and industrial development.

CONFORMANCE REQUIRED

Signs shall be designed, erected, altered, reconstructed, moved or maintained, all or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in this chapter.

The display of official public notices, the flag, emblem or insignia of a political unit, or temporary displays in connection with a recognized charity drive or homecoming activities shall not be governed by provisions in this chapter.

TYPE OF SIGNS

A. TYPE OF SIGNS, CONTENT

Signs are hereby classified according to contents as follows:

1. "Name Plate" means a sign indicating the name, address and/or profession of the person or persons occupying the lot.
2. "Motor Service" means a sign directing attention to the names of the business or establishment, the goods or the commodities sold and/or services rendered on the lot on which the sign is located. Types of signs affected in motor service districts.
 - a. Restaurants
 - b. Motels/hotels
 - c. Service stations (fuel, tires, repairs)
3. "On Premise" means a sign directing attention to the name, service or industrial establishment, goods produced or sold or services rendered on the lot on which the sign is located.
4. "Off Premise" advertising for identification signs includes any outdoor sign, billboard or other contrivance directing attention to a business, product service or entertainment, conducted, sold or offered elsewhere than upon the same lot where the sign is located.

5. "Directional" means a sign indicating the direction to which attention is called, either on the same, or another lot.
6. "Event", including signs advocating action on a public issue or candidate for public office, and event signs advertising house for sale, garage sales etc.
7. "Shopping Center District" indicating the name of the shopping center.
8. "Agricultural" means a sign related to agricultural products grown within any district.

B. TYPE OF SIGNS, DESIGN

Signs are herein classified and designed as follows:

1. "Flat or Wall" means a sign erected parallel to, or painted on, the surface or integral with the wall of any building and not exceeding more than twelve inches there from.
2. "Projecting" means a sign erected on the outside wall of a building which exceeds twelve inches there from.
3. "Marquee" means a sign attached to the soffit or fascia of a marquee, roof over a walk or permanent awning.
4. "Roof" means a sign erected upon and completely over the roof of a building.
5. "Pole" means a sign which is supported wholly by a pole, poles or posts and so designed to permit pedestrian or vehicular traffic there under.
6. "Ground" means a sign with the base wholly on the ground or less than eight feet above grade, wholly independent of any building.
7. "Temporary" means a sign applying to a seasonal or other brief activity, constructed of cloth, paper or fabric of any kind, with or without a frame.
8. "Portable" means a sign designed to be readily transportable on wheels from one premise to another.

C. MEASUREMENT OF SIGN AREA

The surface area of a sign shall be computed as including the entire face area with a regular geometric form or combination of regular geometric forms comprising all of the display area (does not necessarily include design, but face area only) of the sign and including all the elements of the matter displayed. In case of free standing or wall

mount letters each letter is to be computed. Only one side of a double-faced ground, pole or projecting sign shall be included in calculating surface area. Frames and structural members which are not advertising matter shall not be included in the computation.

RESIDENTIAL DISTRICT SIGNS

Signs in residential districts shall conform to the regulations as set forth in this section, and the following types of signs shall be permitted:

- A.** "Nameplate". One nameplate not exceeding three (3) square feet in total sign area shall be permitted for each dwelling unit. Such nameplates shall not be permitted for dwellings of three or more units.
- B.** "Real Estate Signs" Four (4) "For Sale" or "To Rent" or "Model Home" signs, not to exceed four (4') square feet in total sign area and not exceeding three (3') feet in height shall be permitted for each dwelling or lot. Such signs shall be located not less than fifteen (15') feet from the front or any side lot line.

TEMPORARY SUB DIVISION DEVELOPMENT SIGNS

One sign not exceeding thirty two (32) square feet in total sign area shall be permitted at each opening to said development, provided further that a maximum of two signs per subdivision shall be permitted. Permits for such temporary signs shall be for a period not exceeding one (1) year, and may be renewed while construction is being pursued. Signs for the purpose of displaying the names of the builder shall be permitted but will be located no nearer than ten (10) feet to any street line. Such signs shall be removed after the completion of the structure.

- A.** AGRICULTURAL SIGNS - An agricultural sign shall be permitted in any district and shall not exceed sixteen (16) square feet in total sign area.
- B.** APARTMENT COMPLEX - A sign not exceeding sixteen (16) square feet in total sign area shall be permitted for each apartment complex.
- C.** MONUMENTAL SIGNS - A permanent subdivision identification ground sign not exceeding sixteen (16) square feet.

BUSINESS DISTRICT SIGNS

Signs in business districts shall be an accessory to a building use and shall conform to the regulations set forth in this section.

The following types of signs shall be permitted:

- A. Nameplate and bulletin signs as permitted in the residential section.
- B. A nameplate sign not exceeding sixteen (16) square feet total sign area. Each side shall be permitted for an office if the sign is located on the same lot as the profession or service to which it is directed.
- C. A business sign, if the sign is located on the same lot as the business or service to which it is directed.
- D. A real estate and development sign if the sign is located on the same lot on which the real estate business is conducted or the lot to which attention is being directed.
- E. Directional signs may be located on site in business parking lots wherever necessary to facilitate the safe and effective movement of pedestrian and vehicular traffic.

DESIGN OF SIGNS

- A. Flat and wall signs, if attached to, painted on or integral with a wall or if attached to the windows or doors of a building occupied by a permitted service or business.
- B. Projecting signs, if projecting from a building occupied by a permitted service or business.
- C. Pole signs, if located on the same lot as the business or service building, parking or other use to which it directs attention.
- D. Ground signs, if located on the same lot as the real estate, business, service or other uses to which it directs attention.
- E. Temporary signs, if located on the same lot as the real estate, business, service or other use to which it directs attention.

AREA OF BUSINESS DISTRICT SIGNS

The total area of all permanent signs for each parcel shall not exceed the number of square feet indicated as follows:

One pole or ground sign; choice of either, but not both for each business.

- A. **Pole**-The maximum sign area of any pole sign shall be in accordance with the following schedule:

SCHEDULE OF POLE SIGN AREA REQUIREMENT

For a parcel having:	Total area one side
One occupant	16 sq. ft.
Two or more occupants	16 sq. ft. each

B. Ground-maximum area sixteen (16) square feet, one side.

Sign areas shall be permitted in addition to the areas stated in the above table as follows:

The size, area and design of signs for theaters and places of amusement shall be determined for each establishment and regulated by conditional use permits issued by the Board of Zoning Appeals.

C. Temporary development signs announcing a proposed building, a building under construction or advertising a sale, rental or lease of a building or part thereof, shall be located on the lot occupied by the building or use advertised, and shall not exceed thirty two (32) square feet in total sign area.

D. Directional signs of permanent construction, indicating traffic routes and similar functions shall be permitted.

INDUSTRIAL AND MOTOR SERVICE SIGNS

The total area of all permanent signs for each parcel shall not exceed the number of square feet indicated as follows:

A. Pole; The maximum sign area for any pole sign shall be in accordance with the following schedule:

For a parcel having:	Total area for one side
One or more occupants	16 square feet for each

B. Ground-maximum area 16 square feet one side

Sign areas shall be permitted in addition to the areas stated in the above table as follows:

1. The size, area and design of signs for theaters and places of amusement shall be determined for each establishment and regulated by conditional use permits issued by the Zoning Commission.

2. Temporary development signs announcing a proposed building, a building under construction or advertising a sale, rental or lease of a building or part thereof, shall be located on the lot occupied by the building or use advertised, and shall not exceed thirty two (32) square feet in total sign area.
3. Directional signs of permanent construction, indicating traffic routes and similar functions, shall be permitted.

OFF PREMISES SIGNS

This section pertains to signs other than interstate oriented. Maximum sign area of each off premise sign shall be no greater than one hundred square feet. Signs may be placed on, or along vacant building walls. Building and/or property owners must provide a statement signed by the owner or owners as to their approval of and location and erection of said sign. If a proposed sign blocks the viewing area of an adjacent property or an occupied building, written permission must be obtained from the owner or owners of the affected properties. When a sign is to be erected along state highways or thorough ways, laws and regulations as established by the State of Ohio shall also apply where applicable. Off premise signs will not be closer (front to back) than 350 feet in a vertical plan with another off premise sign. However, one sign may be located, one on another, or alongside, but no more than two.

LOCATION OF SIGNS

Signs in business or industrial districts may be located on the surface, or project from, the building wall adjacent to the street, pedestrian way, or parking area, or be erected on poles or other ground supports in the yards on which the business or industrial use is located.

- A. Wall or flat signs shall not project more than twelve (12) inches from the building in front of the building wall and may project to any building corner if side yards exist. A sign may extend over the front wall.
- B. Projecting signs shall be limited to not more than one sign for each establishment or store unit. Such signs shall be attached to the wall and may extend to the top of the wall. Any face of a projecting sign shall be not less than five (5) feet from a side lot line or parting wall of another store unit. Said sign may project over public property when within four (4) feet of the street line. A sign may project no more than ten (10) feet from any building front in any case. Projecting sign may not in any case project closer than thirty (30) inches of curb or sidewalk edge closest to the street.
- C. Pole signs shall not project over a public right of way.

- D. Ground signs shall not be located within three (3) feet of public right of way and shall not be less than five (5) feet from another business or industrial lot and not less than ten (10) feet from a residential district line. Temporary development signs, however, may be located in front of the set back line if first approved by the Zoning Commission. Directional signs may be located within the required yards.

HEIGHT OF SIGNS

The height of the lowest member of any sign, which is not integral with a wall surface, shall not be less than eight (8) feet above a sidewalk or other pedestrian way and not less than fourteen (14) feet if over, or within eighteen (18) inches of the vertical projection of a pavement used for vehicular traffic.

The maximum height of pole signs. Measured from the recorded grade shall not exceed the regulations provided in the following schedule:

BUSINESS DISTRICT Number of feet maximum to bottom of sign

Office Building	25
Shopping Center	45
General Business	25
Recreation Business	25

INDUSTRIAL AND MOTOR SERVICE

Office-laboratory	25
Exclusive Industrial	35
Motor Service	50

SUPPLEMENTARY REGULATIONS

Signs in all zoning districts of the Township shall conform to the following regulations as set forth in the previous sections inclusive.

EVENT SIGNS (revised 6/14/2013)

- A. Event signs shall be permitted if the size of the sign does not exceed 4' X 8' or equivalent area.

- B. No sign shall be erected on public property.
- C. Sign to be located no closer than twenty (20') from the edge of the pavement.
- D. Signs shall be permitted for a period of not more than sixty (60) days before the event and five (5) days after the event.
- E. Event signs shall be removed by the installer.
- F. No sign shall be erected without the property owner's permission.

HAZARDOUS SIGNS

Signs shall not project over or obstruct the required windows or doors of any building, nor shall signs be attached to, or obstruct, a fire escape or interfere with other safety programs as may be further regulated by the Zoning Code.

Unless otherwise regulated in the traffic code, signs shall not be erected so as to obstruct street sight lines of traffic control lights or signs at street intersections, or street sight lines or signals at railroad crossings. Signs visible from the sight lines along a street shall not resemble highway traffic signs.

ILLUMINATION OF SIGNS

Light sources to illuminate signs located inside or outside of buildings shall not be of excessive brightness or cause glare hazardous to pedestrians or automobile drivers or be objectionable to adjacent residential districts.

Flashing, moving or intermittent illumination and "outline lighting" shall be permitted. The Zoning Commission may, however, make a finding and may not permit such lighting as a use.

Lighting of a roof or building shall be permitted.

Signs in residential districts shall not be illuminated except for temporary subdivision signs and signs for institutions. Illumination shall not be of excessive brightness or cause a glare objectionable to any adjacent residential district, and except for illumination required for safety purposes, such lighting shall be permitted only during the hours that the establishment is in operation.

Christmas display lighting shall not be restricted by the foregoing regulations.

MAINTENANCE OF SIGNS

All signs and sign structures shall be maintained in a safe and attractive condition. Should any sign be, or become unsafe or be in danger of falling, the owner shall, upon receiving written notice from the Zoning Inspector proceed at once to put such a sign in a safe and secure condition or remove the sign.

NON CONFORMING SIGNS

A sign existing lawfully at the time this chapter becomes effective but does not conform with the sign regulations of the district in which it is located, may be repaired and maintained in its original state , and structural or electrical parts may be repaired or restored to a safe condition in compliance with the National Electrical Code.

ABANDONED SIGNS

Any sign accessory to an abandoned use shall be removed within fifteen (15) days of notification of removal by the Zoning Inspector. A use shall be determined abandoned if it has ceased operations for at least ninety (90) consecutive days. Seasonal businesses shall be exempt from this provision.

REMOVAL OF SIGNS

Whenever the removal of any sign has been ordered by the Zoning Inspector and the person, firm or corporation on whose premises such sign or display structure has been erected, affixed, attached or maintained, fails to remove the sign within forty eight (48) hours after receiving such notice, the inspector may remove, or cause to be removed, such sign at the expense of the person, firm or corporation on whose premises it was erected, affixed or attached, and each such person, firm or corporation shall be individually or separately liable for the expense incurred in the removal of such sign.

Article 11 **FLOOD PLAIN DISTRICT**

Article 11.1 INTENT 11-2

Article 11.2 DISTRICT DELINEATION CRITERIA 11-2

Article 11.3 PERMITTED USES 11-2

Article 11.4 CONDITIONALLY PERMITTED USES 11-2

Article 11.5 REQUIREMENTS AND REGULATIONS 11-3

Article 11.6 SUBMISSION OF PLANS FOR CONDITIONAL USES 11-4

Article 11.7 DATA SUBMISSION 11-4

Article 11.8 TOWNSHIP LIABILITY 11-4

Article 11.1 INTENT

- A. To avoid or lessen the hazards to persons or damage to property resulting from the accumulation of run-off of storm and flood waters.
- B. To protect the stream channels from encroachment by urbanization.
- C. To encourage the establishment of recreational facilities and to preserve land for the open space requirements of the future.
- D. To provide for the development of flood plain lands with uses not subject to severe damage by flooding and are compatible with the uses permitted in various other zoning districts.
- E. To permit only uses and improvements on flood plain lands that is not hazardous during flood periods.
- F. To avoid the creation of new flood problems.

To reduce economic losses to the public in time of emergency, through public aid and relief efforts occasioned by the unwise occupancy of such flood areas.

Article 11.2 DISTRICT DELINEATION CRITERIA

The Flood Plain District shall be delineated by:

- A. The FEMA flood elevation data certified August 2009.
- B. Profiles and maps prepared by the U.S. Geological surveys.
- C. Soil inventory and evaluation. Flood plain zoning, Penfield Township, Soil conservation, U.S. Department of Agriculture.

Article 11.3 PERMITTED USES

Agricultural uses, such as general farming, grazing, plant nurseries, horticulture, forestry, dairying, agriculture, floriculture, viticulture, animal and poultry husbandry, open space, botanical gardens, wildlife refuge, game preserve, natural conservancy, arboretum and historical site restoration.

Article 11.4 CONDITIONALLY PERMITTED USES

In the Flood Plain District, the following uses shall be classed as conditionally permitted uses and may be permitted by the Zoning Board of Appeals after a recommendation by the Zoning

Commission and the Township Trustees and subject to the following general and specific conditions:

- A.** Picnic areas in which picnic tables, outdoor fireplaces, storm shelters, pools, ponds, and lakes for boating, fishing, swimming and ice skating when local, county and state requirements are met.
- B.** Recreation areas for non-professional baseball, football, tennis, non-motorized outdoor sport, children's playground equipment such as swings, slides and jungle bars.
- C.** Nine of eighteen - hole, standard golf courses provided no artificial lighting is used.

Bridle trails for the use of riding clubs or commercial stables providing the trail is located in the center of a 100-foot right-of-way owned or leased for this purpose.

Article 11.5 REQUIREMENTS AND REGULATIONS

The following shall apply for CONDITIONALLY PERMITTED USES:

- A.** Park or recreation area shall have a minimum of ten (10) acres.
- B.** A one-hundred (100) foot buffer zone, free of any buildings, structures, equipment, parking or activities shall be maintained along all public road right-of-ways and abutting property lines except when the abutting property line is specified as the center of Black River or the abutting property line is within the Flood Plain District.
- C.** Access drives through all zoning districts shall be located in the center of a 60-foot right-of-way free of any structure or building with the exception of a permitted sign which shall be located no closer than fifteen (15) feet from the abutting property line.
- D.** One sign may be permitted at the entrance of a park or recreation area and shall not extend higher than three (3) feet above ground level, be set back at least twenty (20) feet from the road right-of-way, be no larger than 20 square feet in size, be not illuminated, be colored shades of white, black, green or brown or any combination of shades white, black, green or brown.
- E.** Any accessory building or structure necessary for the operation of any conditionally permitted use in the Flood Plain District shall have no habitable floor (including the basement floor) at an elevation less than three (3) feet above the flood base elevation as determined by district delineation criteria.

- F. Any structure placed within the flood plain area shall cover not more than twenty-five (25) percent of the total parcel area.
- G. Any building, structure, or improvement located in the flood plain area shall be designed and constructed to withstand structural demand and erosion up to an elevation not less than three (3) feet above the flood plain elevation.
- H. The filling of flood plain lands may be permitted, where necessary, to fulfill the requirements of the conditionally permitted uses provided that:
 - a. The fill material is obtained from the flood plain in the immediate vicinity of the area filled, or
 - b. The fill material obtained elsewhere is off-set by the removal of an equivalent volume from the flood plain in the immediate vicinity of the area filled, or

The fill material does not adversely affect flood water flow or natural water retention of the flood plain.

Article 11.6 SUBMISSION OF PLANS FOR CONDITIONAL USES

No permit shall be issued for the construction of any building, structure or use within the flood plain district until the plans for such construction or use have been submitted to the Zoning Board of Appeals.

Three (3) copies of the proposed use shall be submitted to the Zoning Board of Appeals. One (1) copy will be distributed to the Zoning Commission and one (1) copy will be distributed to the Township Trustees for review and comment. All reviewing bodies will be guided by the purpose of the flood plain district as outlined under the section of this article entitled "INTENT".

Article 11.7 DATA SUBMISSION

Upon application for zoning or conditional zoning permit, the applicant must submit, along with a plan and elevations of the proposed use, an approved permit by the Ohio Department of Natural Resources, topographical data, engineering studies and other similar data needed to determine the possible effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by a registered professional engineer.

Article 11.8 TOWNSHIP LIABILITY

Penfield Township shall incur no liability whatsoever by permitting any use or building within a flood plain within the Township.

Article 12 **MOTORIST SERVICE DISTRICT**

Article 12.1 INTENT 12-2

Article 12.2 PERMITTED USES 12-2

Article 12.3 HEIGHT REGULATIONS 12-3

Article 12.4 AREA REGULATIONS 12-3

Article 12.5 YARD REGULATIONS 12-4

Article 12.6 OFF-STREET PARKING AND LOADING 12-5

Article 12.7 ACCESS DRIVES 12-6

Article 12.8 SIGNS 12-6

Article 12.9 DEVELOPMENT PLANS 12-8

Article 12.10 VARIANCE 12-8

Article 12.1 INTENT

Should the need arise it is the intention of the Board of township Trustees of Penfield Township to make provisions for those areas in which motels may be constructed in such a manner so that the health, safety, morals and general welfare of the community may be preserved. The Motorist Service District will be created in order to achieve, among others, the following purposes:

- A. To provide districts on major roads especially in the immediate vicinity of freeway interchanges to serve the needs of the motoring public.
- B. To protect and stabilize developments from traffic congestion and hazards by regulating the intensity of use by requiring off-street parking, loading and on-site circulation facilities, and by regulating the access to streets.

To provide the maximum protection to existing and proposed residential areas.

Article 12.2 PERMITTED USES

Building and land shall be designed, created, altered or intended only for the following uses:

- A. Principal Uses:
 - 1. Automobile service stations-emergency minor repairs only.
 - 2. Motels and hotels.
 - 3. Restaurants and eating places servicing food and beverages in wholly enclosed buildings.
 - 4. Other similar uses which serve the motoring public.
- B. Accessory uses when operated in conjunction with the above main uses:
 - 1. Off-street parking.
 - 2. Restaurant assembly rooms and auditoriums in connection with motels and hotels.
 - 3. Enclosed snack bars in connection with service stations and motels.
 - 4. Swimming pools and other recreational facilities in conjunction with motels.
 - 5. Signs, in accordance with regulations permitted hereinafter.
 - 6. Sales of gifts and novelties.

Article 12.3 HEIGHT REGULATIONS

The height of any building or structure in any Motorist Service District shall not exceed thirty-five (35) feet, exclusive of towers, cornices or similar features.

Article 12.4 AREA REGULATIONS

- A. Every lot occupied by a main building or use shall comply with the lot area, lot width, the percentage of lot coverage by all the buildings including accessory buildings, and the landscaped areas as follows:

<u>MAIN USES</u>	<u>MIN. LOT AREA (ACRES)</u>	<u>MIN.LOT WIDTH (FT)</u>	<u>LOT COVERAGE MAX. PERCENT</u>
Service Station	1	150	20
Motel or Hotel- With or Without Eating, Assembly, Recreation	3	200	20
Restaurant, if Separate Bldg.	1-1/2	200	20
Other Permitted	1	150	20

- B. Each lot shall have landscaped areas which shall be part of any lot which is not covered by buildings, accessory uses, drives and parking lots. The landscaped areas shall be developed and maintained in an orderly natural state.
- C. The lot area occupied by a motel or hotel shall be not less than that set forth above, or not less than 1300 square feet or lot area for each lodging unit, whichever is greater. Each lodging unit shall be comprised of at least 275 square feet of floor area; shall contain no more than two sleeping rooms; and shall not contain cooking facilities.

Article 12.5 YARD REGULATIONS

- A.** Front side and rear yards shall be provided on every lot in accord with the following schedule:

USE	FRONT YARD (FT TO R/W)	<u>SIDE & REAR YARDS</u>	
		ADJ. RES. DISTRICT (FT)	ADJ. NON-RES. DISTRICT (FT)
Service Station Bldg.	60	100	35
Service Station Pumps	30	100	35
Motel, Hotel Restaurant	100	100	35
Parking	35	30	10
Other Uses	60	100	35

- B.** Within the front yard and adjacent to the street right-of-way line there shall be an open unobstructed buffer strip of twenty (20) feet in depth. Except for the access drive, no other facilities shall be located within this area. Parking of vehicles in this buffer strip shall be prohibited. Except for access ways permitted, such buffer strip shall contain a curb or other suitable barrier against un-channeled motor vehicle ingress and egress and shall be continuous for the entire width of the lot adjoining the street or highway right-of-way line.
- C.** Source of light for illumination of the exterior of buildings or grounds shall be shielded as to not cause glare which would be hazardous to auto drivers or would be objectionable to users of adjacent property.
- D.** For lots abutting on a thoroughfare shown on the officially adopted Major Thoroughfare Plan of Lorain County, the minimum setback shall be equal to the setbacks provided herein plus one-half of the right-of-way specified for that thoroughfare on the Major thoroughfare Plan.

Article 12.6 **OFF-STREET PARKING AND LOADING**

A. Off-street parking requirements:

<u>BUILDING USE</u>	<u>MIN. REQUIRED PARKING SPACES</u>
Gasoline service station	1 space per employee, plus 1 space per grease rack, plus 1 space for restroom
Motels or Hotels	1 space per lodging unit, plus 1 space per each 2 employees
Meeting Hall	1 space per 3 seats
Restaurant	1 space per 2 seats, plus 1 space per each 3 employees
Other Uses	As determined by the Board of Zoning Appeals

1. Each parking space shall be not less than 200 square feet, exclusive of drives and turning spaces.
2. All parking areas and driveways shall be graded and hard-surfaced with asphalt or concrete. Bumper guards shall be provided to establish the limit of each parking area, except at access ways.
3. No parking shall be permitted on a thoroughfare specified as a major thoroughfare on the officially adopted Major Thoroughfare Plan of Lorain County.

B. Off-street loading facilities:

1. Off-street loading facilities shall not be located in the required front, side and rear yards, and the loading space shall not be used for repairing or servicing of motor vehicles.
2. A space or spaces shall be provided within the structure of such dimensions as to accommodate the trucks employed for loading unloading goods for a particular use. Each space shall have a vertical clearance of at least fourteen (14) feet.

Article 12.7 ACCESS DRIVES

Access drives to major streets shall be controlled in the interest of public safety and to maintain the designed capacity of the major street system.

- A. Drives shall be so designed and located, that vehicles can safely enter and leave the facility with no need to park, stand or maneuver back and forth on the major thoroughfare right-of-way.
- B. Those portions of the access drive located within the highway right-of-way shall be paved of material equal to the highway pavement; be no greater than thirty-five (35) feet wide; be designed to prohibit surface drainage from flowing directly onto the highway pavement; include minimum 20 foot turning radii between the edge of the drive and the highway pavement; and be curbed.
- C. Each lot shall not have more than two (2) access drives to any one street or highway. The width of any access drive shall not be less than sixteen (16) feet nor shall it exceed thirty-five (35) feet. Insofar as practicable the use of common access ways by two or more uses shall be encouraged to reduce the number of such highway access points. The fronting of uses on a marginal service street shall also be encouraged.

There shall be no access drives permitted for a minimum distance of 600 feet measured along road center lines from the outermost ramp terminal right-of-way to the first access drive. To accomplish this objective, marginal service roads, parallel service roads, combining the access of several developments, or other approved facilities shall be encouraged.

Article 12.8 SIGNS

A. General provisions:

- 1. In any Motorist Service District, each business shall be permitted one flat or wall sign.
- 2. The area of all permanent advertising signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by such enterprise.
- 3. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of width of a building or part of building occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet.

4. Free standing signs serving a group of business establishments shall be permitted if they do not exceed the district height requirements, have no more than a total sign area of one hundred (100) square feet and are located not closer than either twenty (20) feet or the height of the sign, whichever is greater, to any street or adjoining lot line.
5. Pole signs of symbolical design shall be permitted for automobile service stations and other similar business establishments provided:
 - a. No part of such sign shall project into the right-of-way of any street or highway.
 - b. The support of such sign shall be set back at least twenty (20) feet from any public right-of-way.
 - c. The maximum area of any face of such sign shall not exceed forty (40) square feet.
 - d. The pole support of the sign shall not be less than fifty (50) feet from any lot in any "R" District.
6. The height of the lowest member of any sign which is not integral with a wall surface shall be not less than eight and one-half (8 -1/2) feet above a sidewalk or other pedestrian way and not less than fourteen (14) feet over or within three (3) feet of the vertical projection of a pavement used for vehicular traffic.
7. All sign and advertising structures may be illuminated internally or by reflected light provided it is a continuous source of light and the source of light is not visible and it is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.

B. Signs - within 660 feet of Interstate Systems:

Notwithstanding any other provisions of the chapter, signs shall be erected and maintained in general accord with Federal and Ohio laws in regard to advertising devices along the Interstate System.

Article 12.9 DEVELOPMENT PLANS

A. Submittal of plans:

A site plan shall be prepared for all types of proposals of developments in the Motorist Service District and be submitted in duplicate to the Zoning Board of Appeals. A preliminary and final development plan shall be submitted. Unless exempted by the Zoning Board of Appeals, plans shall include:

1. Survey of property and topography showing land owned and proposed developments.
2. Buildings - location, size, height and use of all main and accessory buildings.
3. Streets - proposed system of circulation of vehicular traffic including delivery trucks, details for connections or access ways to present streets, type of pavement, estimates of traffic volumes.
4. Utilities - plans for all utility installation and connections.
5. Parking areas - layout and estimate of number of spaces, design of features, and type of pavement.
6. Other site development, including grading and drainage pattern, design of landscaped yards, planting areas and strips adjoining residential areas.

B. Approval of plans - issuance of certificate:

No zoning certificate shall be issued for construction or use of land within a Motorist Service District unless the plans have been approved by the township zoning board of appeals. The Board of Zoning Appeals shall refer plans submitted to the township zoning commission for its comments and recommendations and shall formally consider such recommendations prior to approval or disapproval of the plans.

Article 12.10 VARIANCE

The Board of Zoning Appeals may, in specific cases, vary or permit exceptions to any of the provisions of this District if it shall find that such variances or exceptions will not violate the spirit or intent of this District and that a more harmonious and useful development will result.

Article 13 **ZONING ADMINISTRATION/ENFORCEMENT**

Article 13.1 ZONING ADMINISTRATIVE OFFICER..... 13-2

Article 13.2 BUILDING PERMITS..... 13-2

Article 13.1 **ZONING ADMINISTRATIVE OFFICER**

The position of Township Zoning Inspector is hereby created. The Zoning Inspector shall be appointed by and serve at the pleasure of the Board of Township Trustees and shall receive such compensation as the Board of Township Trustees may provide. The Zoning Inspector shall keep records of all applications for zoning certificates and the action taken thereon.

Article 13.2 **BUILDING PERMITS**

Before constructing, locating, erecting, changing the use of, or altering any building, which would extend beyond the original foundation, including accessory building, or changing the use of any premises, exclusive of agricultural buildings, application shall be made to the Township Zoning Inspector for a zoning certificate. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan, showing the proposed location and dimensions, height of the building and proposed use. Within ten (10) days after the receipt of the application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this resolution and the application is accompanied by the proper fee or refuse the same if it does not comply.

All applications for zoning certificates which involve the use of individual disposal systems on new dwellings shall be accompanied by a Board of Health Permit.

A schedule of fees, charges, expenses and a collection procedure for zoning permits, appeals and other matters pertaining to this resolution shall be established by the Board of Township Trustees. The schedule of fees shall be posted in the office of the zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(Rev 5/20/2021) See Article 7.8

The fees are not refundable if the zoning certificate or rezoning request is refused.

Article 14 **ZONING COMMISSION AND BOARD OF APPEALS**

Article 14.1 MEMBERSHIP 14-2

Article 14.2 POWERS AND DUTIES 14-2

Article 14.3 GUIDELINES 14-3

Article 14.4 CONDITIONS FOR GRANTING VARIANCES 14-3

Article 14.5 APPEALS 14-5

Article 14.1 MEMBERSHIP

There is hereby created a **Township Zoning Commission** consisting of five (5) members who reside in the unincorporated area of the township, to be appointed by the Board of Trustees. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term.

There is hereby created a **Township Board of Zoning Appeals (BZA)** consisting of five (5) members, appointed by the Board of Trustees, who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term.

Members of both boards may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide. Revised 1/7/2014

Article 14.2 POWERS AND DUTIES

The **Township Zoning Commission** shall have the following powers & duties:

- A. To prepare the Zoning Resolution.
- B. To review all site plans and applications subject to design review as required by this Resolution.
- C. To review all proposed amendments to the Zoning Resolution and Zoning District Map and to submit a recommendation to the Township Trustees.
- D. To propose on its own initiative such amendments to the Zoning Resolution and Zoning District Map as it may deem consistent with the purposes of this Zoning Resolution.
- E. To interpret the precise location of the boundary lines between Zoning Districts.

The **Township Board of Zoning Appeals** shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning laws or of this resolution or any amendments thereto.
- B. To authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.
- C. To grant conditional zoning certificates for the use of land, buildings or other structures. Conditions for such certificates shall be as specified in other sections of this resolution and by the Board of Appeals for any of the following types of uses:

State Chartered Conservation Clubs, Boy Scout Camps, and Girl Scout Camps

In exercising the above-mentioned powers, such board may, in conformity with the provisions of law and this resolution and amendments, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from who the appeal is taken.

Article 14.3 GUIDELINES

The Township **Board of Zoning Appeals** shall organize and adopt rules in accordance with the provisions of this zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be made a public record.

Article 14.4 CONDITIONS FOR GRANTING VARIANCES

1. **Use Variances** – “unnecessary hardship” standard. A variance from the provisions or requirements of this Resolution shall not be authorized by the Zoning Board of Appeals unless it finds that **all** the following facts and conditions exist: (5/16/06)
 - A. That unnecessary hardship would result from the literal enforcement of the provisions of this Zoning Resolution. Alleged hardships, such as theoretical loss or limited

possibilities of economic advantage, shall not be considered a sufficient hardship for the granting of a variance. It must be demonstrated that peculiar and special hardships exist which apply only to the property in question and are separate and distinct from the general conditions pertaining throughout the district.

- B.** That there are unique physical circumstances or condition, applying to the property in question such as irregularity, narrowness or shallowness of lot size or shape, exceptional topographical or other physical conditions.
- C.** That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Resolution and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
- D.** That said variance is necessary for the preservation and enjoyment of substantial Property rights possessed by other properties in the same zoning district and in the same vicinity and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.
- E.** That the granting of such variances will not be contrary to the public interest (health, safety) of the intent and purpose of the Resolution and other adopted plans.
- F.** That said variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building or structure.
- G.** That in no instance shall a variance be considered for the following reasons:
 - 1.** Presence of nonconformities in the zoning district;
 - 2.** Previous variances granted in the zoning district;
 - 3.** Uses in the zoning districts;
 - 4.** The applicant's belief that the intended use would be permitted upon his purchase of the land;
 - 5.** The character and standing of the applicant; or
 - 6.** Hardship being demonstrated beyond the context of zoning (e.g. economics).

2. Area Variance – “practical difficulties” test. The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include, but are not limited to: (Effective 5/16/06)

- A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- B. Whether the variance is substantial.
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
- E. Whether the property owner purchased the property with the knowledge of the zoning restriction.
- F. Whether the property owner’s predicament can be obviated through some method other than a variance.
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Conditions for Granting Variances: (Effective 1/1/16)

The Zoning Inspector may forward copies of the application and plot plan to the County Planning Commission, the Penfield Township Zoning Commission, or any other township, county department, or agency which, in the opinion of the Zoning inspector, may have an interest in the use variance, area variance, or conditional use variance request. All such Commissions, Departments, and/or other Governmental Agencies may forward their recommendations to the BZA for consideration at a public hearing.

Article 14.5 APPEALS

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer. Such an appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds

thereof. The officers from whom the appeal is taken shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, and decide the same within thirty (30) days after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of a township Board of Appeals may appeal to the Court of Common Pleas of this County on the ground that such decision was unreasonable or unlawful.

Article 15 AMENDMENTS

Amendments to the Zoning resolution shall be made in accordance with Section 519.12 of the Ohio Revised Code as amended. (Effective 3/4/87)

GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions and boundaries or classification of property.

INITIATIVE OF ZONING AMENDMENT

Amendments of the Zoning Resolution may be initiated in one of the following ways:

- A. By adoption of a motion by the Zoning Commission.
- B. By adoption of a resolution of the Township Trustees.
- C. By the filing with the Zoning Commission and application of at least one (1) owner or lessee or property within the area proposed to be changed or affected by said amendment.

CONTENTS OF APPLICATION

The application for amendments shall contain at least the following information, prepared in triplicate:

- A. Name, address and telephone number of applicant.
- B. Proposed amendment to the text or legal description.
- C. Present use.
- D. Present zoning district.
- E. Proposed use.
- F. Proposed zoning district.

- G. A vicinity map at a scale approved by the Zoning Inspector showing proposed zoning and such other items as the Zoning Inspector may require.
- H. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) to be rezoned, showing the name and address of each property as listed in the County Auditors current tax list.
- I. A fee as established by the Township Trustees.

TRANSMITTAL TO THE ZONING COMMISSION

Immediately after the adoption of a resolution by the Township Trustees said resolution shall be certified and transmitted to the Zoning Commission.

SUBMISSION TO THE STATE HIGHWAY DIRECTOR

Before any zoning amendment is approved affecting any land within three hundred foot (300') of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the State Highway Director, or within a radius of five hundred feet (500') from the point of intersection of said centerline with any public road or highway, the Zoning Commission shall give notice, by registered, or certified mail, to the Highway Director. The Zoning Commission may proceed as required by law; however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notified the Township that he shall proceed to acquire the land needed, then the Township shall refuse to approve the rezoning. If the Highway Director notifies the Township that the acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Township shall proceed as required by law.

PUBLIC HEARING BY THE ZONING COMMISSION

The Zoning Commission shall schedule a public hearing after the adoption of a motion, transmittal of such resolution from the Township Trustees or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) days nor more than forty (40) days from the date of such adoption or motion, certification of such resolution or the filing of such application.

NOTICE OF PUBLIC HEARING IN THE NEWSPAPER

Before holding the public hearing, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication, in one (1) or more newspapers of general circulation in the Township at least ten (10) days before such public hearing. The public notice shall set forth the date, time and place of the public hearing the nature of the proposed amendment and a statement that after the conclusion of such public hearing, the matter will be referred to the Township Trustees for determination. (Rev.5/16/89)

NOTICE OF PUBLIC HEARING BY THE ZONING COMMISSION

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditors current tax list, written notice shall be mailed by the Zoning Commission by first class mail at least ten (10) days before the date of the public hearing to all owners of the property within, contiguous to and directly across the street from such area to be proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditors current tax list. The failure of delivery shall not invalidate such notice. The published and mailed notices shall set forth the time, date and place of the public hearing, and shall include all of the following:

- A. The name of the Zoning Commission that will be conducting the hearing on the proposed amendment;
- B. A statement indicating that the motion, application or resolution is an amendment to the Zoning Resolution;
- C. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of the owners of these properties, as they appear on the County Auditors current tax list;
- D. The present zoning classification of the property named in the proposed amendment and the proposed zoning classification of such property;
- E. The time and place where the motion, application or resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least fifteen (15) days prior to the public hearing;
- F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and by mail;
- G. Any other information requested by the Zoning Commission;

- H. A statement that after the conclusion of such hearing the matter will be submitted to the Township Trustees for its action.

If the zoning amendment intends to alter the text of the Zoning Resolution, or rezone or redistrict more than ten (10) parcels of land, as listed in the County Auditors current tax list, the published notice shall set forth the time, date and place of the public hearing and shall include all of the following:

- A. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- B. A statement indicating that the motion, application or resolution is an amendment to the Zoning Resolution;
- C. The time and place where the text and map of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
- D. The name of the person responsible for giving notice of the public hearing by publication;
- E. A statement that after the conclusion of such hearing the matter will be submitted to the Township Trustees for its action; and any other information requested by the Zoning Commission.

SUBMISSION TO THE COUNTY PLANNING COMMISSION

Within five (5) days of the adoption of the motion by the Zoning Commission or certification of a resolution by the Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution or application with the text and map pertaining to the case in question to the County Planning Commission. The County Planning Commission shall recommend the approval or denial, or the approval of some modification thereof, and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

RECOMMENDATIONS BY THE ZONING COMMISSION

Within thirty (30) days of the public hearing, the Zoning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and

map pertaining thereto and the recommendation of the County Planning Commission thereon to the Township Trustees.

PUBLIC HEARING BY THE TOWNSHIP TRUSTEES

Upon receipt of the recommendation of the Zoning Commission, the Township Trustees shall schedule a public hearing. Such hearing shall not be more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

NOTICE OF THE PUBLIC HEARING OF THE TOWNSHIP TRUSTEES

Notice of the public hearing shall be given by the Township Trustees in at least one (1) publication in one (1) or more newspapers of general circulation within at least ten (10) days of such a hearing.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed in the County Auditors current tax list, the public notice shall set forth the time, date and place of the public hearing and shall include all of the following:

- A. The name of the Township Trustees that will be conducting the public hearing on the proposed amendment;
- B. A statement indicating that the motion, application or resolution is an amendment to the Zoning Resolution;
- C. A list of the addresses of all the properties to be rezoned or redistricted by the proposed amendment and the names of the owners of those properties as they appear on the County Auditors current tax list;
- D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- E. The time and place where the motion, application or resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
- F. The name of the person responsible for giving notice of the public hearing;
- G. Any other information requested by the Township Trustees.

If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditors current tax list, the

published notice shall set forth the time, date and place of the public hearing and shall include all of the following:

- A. The name of the Township Trustees that will be conducting the public hearing on the proposed amendment;
- B. A statement indicating that the motion, application or resolution is an amendment to the Zoning Resolution;
- C. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
- D. The name of the person responsible for giving notice of the public hearing by publication;
- E. Any other information requested by the Township Trustees.

ACTION BY THE TOWNSHIP TRUSTEES

Within twenty (20) days of the public hearing, the Township Trustees shall either adopt, or deny, the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Township Trustees deny or modify the recommendation of the Township Zoning Commission, they must do so by unanimous vote.

EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days of the adoption of the amendment, there is presented to the Township Trustees a petition, signed by a number of registered electors residing in the Township, equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of the petition shall contain the number and the full and correct title, of the zoning amendment, resolution, motion or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in sections 3501.38 and 519.12 of the Ohio Revised Code.

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Township Trustees, which shall then transmit the petition within two (2) weeks of its receipt to the County Board of Elections which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than seventy five (75) days prior to the election at which the question is to be voted upon.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

OHIO LAW CONTROLLING

The provisions of the Ohio Revised Code then in effect govern all zoning amendments where in conflict with, or in further explanation of this resolution. (Eff. 1/4/96)

Article 16 **PENALTY FOR VIOLATION**

Article 16.1 PENALTY FOR VIOLATION..... 16-2

Article 16.2 CIVIL ACTION..... 16-2

Article 16.1 PENALTY FOR VIOLATION

It shall be unlawful to locate, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation or any provision of this resolution or amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred (\$500) dollars for each offense. Each day's continuation of a violation may be deemed a separate offense. (Rev 10/09)

Article 16.2 CIVIL ACTION

In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of law of this resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the county, the township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may restrain such person from the further building or use of land or buildings.

Article 17 **MISCELLANEOUS PROVISIONS**

Article 17.1 INTERPRETATION 17-2

Article 17.2 VALIDITY 17-3

Article 17.3 EFFECTIVE DATE 17-3

Article 17.4 PONDS 17-3

Article 17.6 SATELLITE DISHES 17-4

Article 17.7 MEETINGS 17-6

Article 17.8 PRIVATE BRIDGES 17-6

Article 17.1 INTERPRETATION

In interpreting and applying the provisions of this resolution, they shall be held to the minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare.

Nothing herein shall repeal or in any way impair to interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where this resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provision of law, rules, regulations, covenants or agreements, the provisions of this resolution shall control but nothing therein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this resolution.

The following uses shall be deemed to constitute a nuisance and shall not be permitted in Penfield Township: effective March 6, 1989

- A.** Dumping, storing or disposing of solid wastes, hazardous wastes, garbage, refuse, scrap metal, tires, rubbish, offal or demolition materials.

"Solid wastes" means such materials as are described in Ohio Revised Code Section 3734.01E or in such statute as it may be hereafter amended.

"Hazardous wastes" means materials as are described in Ohio Revised Code Section 3734.01J or in such statute as it may be hereafter mended.

"Demolition materials" means materials from construction operations and from demolition operations including, but not limited to, those items that are affixed to a structure, including driveways and highways, being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring, and insulation materials. (Effective 7/4/96)

- B.** (Removed effective 31MAY2018)

Article 17.2 **VALIDITY**

Each section, sub-section, provision, requirement, regulation or restriction established by this resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not affect or render invalid the resolution or amendments thereto as a whole or any part thereof except the particular part so declared to be invalid.

Article 17.3 **EFFECTIVE DATE**

This resolution shall take effect immediately upon its approval by a majority vote cast at a primary, general or special election, on this issue.

Article 17.4 **PONDS** (Effective 16DEC2021)

Ponds are permitted in all districts subject to the following:

- 1) No pond shall be constructed, installed, modified, enlarged, cleaned, or dredged without first obtaining a permit from the Township Zoning Inspector at least 60 days in advance of construction.
- 2) All ponds shall be designed by the Lorain County Soil and Water Conservation District or a professional engineer registered in the State of Ohio. All ponds will comply with the Lorain County Soil and Water Conservation District Regulations and Chapter 1521 of the Ohio Revised Code.
- 3) The minimum amount of land required for the construction of a pond shall be two (2) acres. Minimum pond size shall be one-quarter (1/4) acre and shall be a minimum of eight (8) feet depth in at least twenty-five (25) percent of the pond. Minimum width shall be eighty (80) feet. Side slopes shall be three (3) feet horizontal to one (1) foot vertical.
- 4) Mounding of the spoil material shall not exceed eight (8) feet in height from the highest ground around the pond. Minimum top width shall be four (4) feet and side slopes shall be three (3) feet or more horizontal to one (1) foot vertical.
- 5) The pond will be located a minimum of fifty (50) feet from all rights-of-way and lot lines. This measurement shall be taken from the high-water mark of the pond or the toe of the outside of the bank whichever is closest to the right-of-way or lot line.
- 6) The pond shall not adversely affect the surface and subsurface drainage pattern of adjacent properties. The pond should never back up water on neighboring

property, even after a storm event. The pond nor any discharge shall adversely affect the field of any sanitary systems, raise the ground water table through infiltration to adversely affect any sanitary system or water well, or cause any additional erosion either on site or to adjacent properties.

- 7) The use of dry hydrant systems or other fire department approved water systems is encouraged.
- 8) Landowner is responsible to ensure Ohio Utilities Protection Service is contacted before digging to check for underground utilities.
- 9) Existing drainage (ditches, swales, tile, etc.) will be rerouted around the pond and outletted into the original watercourse.
- 10) All ponds should be constructed with an overflow system to handle excess stormwater.
- 11) Construction of ponds in flood plains is prohibited.
- 12) Ponds will be managed and maintained to not create a nuisance and health hazard to nearby residents in the opinion of the Township Trustees.
- 13) This section shall not apply to small garden and/or decorative landscaping ponds having a permanent liner with an aggregate surface area of 150 square feet or less.
- 14) Ohio Pond Management Handbooks and USDA Ponds-Planning, Design, Construction books are available through appropriate resources that will aid with pond construction and management.
- 15) Liability for the pond is the responsibility of the landowner.

Article 17.5 Removed (Effective 16DEC2021)

Article 17.6 SATELLITE DISHES

- A.** The following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites in or on dwellings.
 1. Such ground stations or antennas shall be for the personal use of residents and their guests only.
 2. Such ground stations or antennas shall contain no graphic message or advertising.

- 3.** Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:
 - a.** Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure and shall not exceed an above grade height of twelve feet.
 - b.** Such stations or antennas shall maintain minimum rear and side lot line requirements for the district in which said accessory structure is located.
 - c.** Such stations or antennas shall be mounted in a concrete base in line with grade and only metal supports of galvanized construction shall be utilized.
 - d.** Wiring between such station and any other structure shall be placed underground.
 - e.** Such stations or antennas shall be designed to withstand a wind force up to seventy (70) miles per hour without the use of supporting guy wires.
- 4.** Roof-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:
 - a.** Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers, or spires and shall not be mounted on a pitched roof facing the front yard.
 - b.** Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed the height above the roof on which it is mounted at the roof's highest point.
 - c.** The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed four (4) feet.
 - d.** Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting wires.
- B.** In or on other than dwellings, the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites.
 - 1.** Such ground stations or antennas shall contain no graphic message or advertising.
 - 2.** Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

- a. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure on the property where the station is located and shall not exceed an above grade height of twelve feet.
 - b. Such stations or antennas shall not be located within fifty feet of a public right-of-way, thirty feet of a rear or side lot line and not closer than fifty feet from a lot line of a Residential District.
 - c. Such stations or antennas shall be mounted in a concrete base in line with grade and only metal supports of a galvanized construction shall be utilized.
 - d. Wiring between such station and any other structure shall be placed underground.
 - e. Such stations or antennas shall be designed to withstand a wind force of up to seventy miles per hour without the use supporting guy wires.
3. Roof-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:
- a. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.
 - b. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.
- c. Permit required - No person, firm, or corporation shall place a satellite dish without first obtaining a permit from the Zoning Inspector. (Effective 11/22/91) A satellite dish that is 40 inches or less in diameter shall be exempt from all zoning requirements and shall not require a zoning permit. (Effective 5/20/21)

Article 17.7 MEETINGS

The Township Zoning Commission shall meet quarterly.

Article 17.8 PRIVATE BRIDGES

No person shall construct a bridge on their property which is intended for vehicular traffic, especially emergency vehicles (ambulance and/or fire trucks), without a zoning permit.

- 1. The plan for the bridge must be prepared and approved by a registered architect or engineer and must be submitted to the Township Zoning Inspector before construction.

- 2.** The bridge shall be designed so as to:
 - a.** Be capable of withstanding a gross vehicle weight of sixty thousand pounds (60,000#).
 - b.** Have approaches designed to accommodate long wheel base vehicles, such as fire trucks, safely.
 - c.** Comply with the width and horizontal and vertical clearance specified in Article 4.09-DRIVEWAYS, Parts B, E and F.
 - d.** Not impede the flow of water under the bridge. If the stream or creek is part of the 100 year flood plain, as designated by the National Flood Insurance Program (NFIP) Flood Insurance Maps, the design shall conform to all applicable NFIP standards.
- 3.** Entrance to and exit from the bridge shall be maintained as specified in Article 4.09-DRIVEWAYS, part F.
- 4.** The bridge decking and understructure shall be maintained at all times. (Effective 7/4/96)

Article 18 APPLICATION FOR ZONING PERMIT

An application for a zoning permit shall be signed by the owner, attesting to the truthfulness and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and be revoked if work has not been completed within one year. At a minimum, the application shall contain the following information:

- A.** Name, address and telephone number of owner.
- B.** Legal description of property and legally recorded deed in the owner's name(s) and health permit, if applicable, on first time construction.
- C.** Existing use.
- D.** Proposed use.
- E.** Zoning district.
- F.** Plans drawn to scale, showing the exact dimensions, the size and shape of the lot to be built upon; and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alterations.
- G.** Number of dwelling units.
- H.** Copy of approved State or County driveway permit, where applicable.
- I.** Such other matters as may be necessary to determine conformance with, and provide for, the enforcement of this resolution.
- J.** Farm building application plans shall be submitted, drawn to scale, showing the actual dimensions and shape and locations of the proposed building(s) or alterations.
- K.** Post the building permit at the road set back.
- L.** Only property owners can be issued a permit for a new home.
- M.** Required fee, as set by the Township Trustees. (Effective 1/4/96)

Article 19 DUTIES OF THE ZONING INSPECTOR

The duties of the Zoning Inspector shall include:

1. Patrol each road in the Township at least once a month. Keep a log on the date, area covered and the zoning violations, as well as how the matter was handled.
2. Contact any zoning violators.
 - A. On verbal contacts record dates and response.
 - B. Written citations should be issued in triplicate.
 1. One copy for the Zoning Inspector.
 2. One copy for the offender.
 3. One copy for the Trustees
3. Attend one trustee meeting each month, the four regular zoning meetings and all special meetings. At these meetings, give summaries of permits, citations and problems.
4. Issue permits for new homes, decks, additions, ponds, pools, other structures, and any items requiring permits. Before construction begins, side lines and set back distances must be measured. After the foundation is in, house numbers are issued. (Rev 5/20/2021)
5. The Zoning Inspector has the authority to enforce the Zoning Resolution and apply the letter of the law. He is not permitted to make discretionary judgments.
6. Maintain up to date plot plan.
7. When offenders refuse to cooperate, the Township must take them to court. The Township will reimburse the Inspector for time lost from a job.
8. Turn in all money received to the Clerk monthly.
9. Keep a tally of all permits issued and their value.
10. Keep the filing system up to date and give the Clerk new information regularly.

Reports to the County Auditor and State must be made. (Eff. 1/4/96)

Article 20 WIND TURBINE ENERGY SYSTEMS FOR GENERATING
ELECTRICITY (All Districts)

(Effective 10/01)

I. PURPOSE

It is the purpose of this resolution to promote the safe, effective and efficient use of wind turbine energy systems installed to reduce the on-site consumption of utility supplied electricity.

II. DEFINITIONS

- A. Wind Turbine Energy System:** A wind energy conversion system consisting of a wind energy turbine, a tower, and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power.
- B. Tower Height:** The height above grade of the fixed portion of the tower, excluding the wind turbine itself.
- C. Economically Significant Wind Farm:** Wind turbines and associated facilities with a single connection to the grid and designed for, or capable of, operation at an aggregate capacity of greater than five (5) megawatts. Economically significant wind farms are governed under the rules adopted under division (B) (2) of Section 4906.25 of the Revised Code.
- D. Small Wind Farm:** Includes wind turbines designed for on-site power generation and/or interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts.
- E. Clear Fall Zone:** An area surrounding the wind turbine unit into which the turbine and/or its components might fall that shall remain unobstructed and confined within the property lines of the parcel where the turbine is located.

III. Conditionally Permitted Use:

Wind turbine energy systems of less than five (5) megawatts shall be a conditionally permitted use in all zoning classifications where structures of any sort are allowed; subject to certain requirements as set forth below:

- A. Minimum Lot Size:** Minimum of one (1) acre.

- B. Tower Height:** Tower height shall not exceed $\frac{3}{4}$ of the property width at the tower build line or 100 ft whichever is more restrictive shall apply.
- C. Setback:** No part of the wind turbine energy system structure, including guy wire anchors, may extend closer than twenty (20) feet to the property boundaries of the installation site. A minimum setback of the height of the tower plus the length of one blade from any structure and any neighboring property lines is also required. No wind turbine systems may be installed in front yards.
- D. Noise:** wind turbine energy systems shall not exceed 60 dBA, as measured at the property boundaries of the installation site. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- E. Commercially Produced Energy systems:** Wind turbine energy system must have been approved under any wind certification program recognized by the American Wind Energy Association, in compliance with the Ohio Building Code and certified by a licensed Professional Engineer and shall also be submitted to the Zoning Inspector, and Board of Zoning appeals (BZA) before a Zoning Permit is issued.
- F. Zoning Permit Requirement:** All Conditionally approved uses must be reviewed and approved by the Board of Zoning Appeals. Zoning permit applications for wind turbine energy systems shall be issued only after the conditional use has been approved by the Board of Zoning Appeals and shall be accompanied by:
- 1) Standard drawings of the wind turbine structure and locations, including the tower, base, and footings, property lines and structures *within 150 ft*. Evidence of "clear fall zone" must be provided on the site plan.
 - 2) Engineered drawings showing size, height and construction of the structure, as well as the size and depth of the unit's mounting pad.
 - 3) An engineering report or documentation from the manufacturer of the average decibel rating of the model.
 - 4) A list or depiction of all safety measures that will be on the unit including anti-climb devices, and lightning protection.
 - 5) Data specifying the kilowatt size and generating power of the unit.
 - 6) A maintenance schedule, as well as dismantling plan, for the removal of an inoperable unit.
- G. Compliance with FAA - Regulations:** Wind turbine energy systems must comply with applicable FAA regulations, including any approvals for installations close to airports.

- H. Compliance with National Electrical Code:** Zoning permit applications for wind turbine energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for determination that the manner of installation conforms to the National Electrical code. This information is frequently supplied by the manufacturer.
- I. Utility Notification:** No wind turbine energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- J. Electrical Wires:** All electrical wires associated with wind turbine energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- K. Lighting:** A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- L. Appearance, Color & Finish:** The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the zoning permit.
- M. Signs:** All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a wind turbine energy system visible from any public road shall be prohibited.
- N. Shadow/Flicker:** Wind turbine energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or migration.
- O. Maintenance:** Wind turbines must be serviced as recommended by the manufacturer so that it is supplying power in the manner as defined in section F above. Wind Turbine Energy Systems that become inoperable for more than six (6) months must be removed from the property within ninety (90) days of an issuance of zoning violation at the property owner's expense or other body identified in the dismantling plan.